

DR 80-18 - MANAGING GROWTH

WICHITA-SEDGWICK COUNTY

DATE  
September 2, 1980

METROPOLITAN AREA PLANNING DEPARTMENT

TO E. H. Denton, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Managing Growth

The growth of any urbanizing area presents a number of problems. These are not new nor unique to the Wichita-Sedgwick County area. However this area by fortune of its past development (past policies and quality) is in a generally unique position to examine its future and make rational decisions about where and how its future is to be determined.

Problems most often identified with urban growth are:

- 1) flight of higher income residents and businesses to the fringe;
- 2) proliferation of special districts and units of government;
- 3) the inequities and diseconomies involved in central city financing of area services;
- 4) the coordination and timeliness of providing services;
- 5) service disparities;
- 6) inability to cope with areawide problems;
- 7) the decline of the tax base of the central cities;

These problems seem to have been handled differently by different communities and in different parts of the country. The result has been a search for a more efficient mechanism to deal with these problems including the restructuring of local government. Failure to deal effectively with these problems often has resulted in federal or state intervention. Examples of intervention have been in hazardous waste regulations, water and air quality regulations, intervention in the housing market and many, many more.

#### Restructuring of local government

Looking at the issue of restructuring local government, there has been much written on the subject. However, most of this writing has been done during the early 70's and not much has been done in recent years. The more significant body of writing on restructuring local government has been produced by

the Advisory Commission on Intergovernmental Relations (ACIR). This is a federally sponsored organization and was created by President Eisenhower in 1959. It contains as members, representatives of House, the Senate, officers of the executive branches of the Federal Government, Governors, Mayors, elected county officials and state legislative leaders as well as private citizens. It is a small but highly respected group of people who have examined in depth issues of governmental reorganization. A series of volumes have been published on this subject and are available for more extensive reading.

Although everyone probably has their own list of urban problems, the ones listed earlier are reasonably representative of problems identified in studies done in this area. The more common methods of trying to deal with these problems have been restructuring of local government in one of several ways. Included in these ways is (1) annexation, (2) the development of urban counties; (3) the use of contractual arrangements and/or the transfer of functions; (4) consolidation; and (5) the use of federated forms of government. Each of these have certain pluses and minuses and whole volumes have been written on the subjects which make it impossible to completely summarize in this paper. The ACIR did however, attempt to develop some criteria by which to evaluate the various alternatives that might be considered in reorganizing or restructuring local government. A summary of these criteria is as follows:

- "1. Economic Efficiency: Functions should be assigned (a) to jurisdictions large enough to realize economies of scale and small enough not to incur diseconomies of scale, (b) to jurisdictions willing to provide alternative service offerings to their citizens and to provide these public services within a price range and level of effectiveness acceptable to local citizenry, and (c) to jurisdictions that adopt pricing policies for appropriate functions whenever possible.
- "2. Equity: Functions should be assigned (a) to jurisdictions large enough to encompass the cost and benefits of a function or willing to compensate other jurisdictions for the service costs imposed or benefits received by them, and (b) to jurisdictions that have adequate fiscal capacity to finance their public service responsibilities and that are willing to implement measures that insure interpersonal and interjurisdictional equity in the performance of a function.
- "3. Political Accountability: Functions should be assigned (a) to jurisdictions controllable by, accessible to, and accountable to their residents in the performance of their public service responsibilities, and (b) to

jurisdictions that maximize the conditions and opportunities for active and productive citizen participation in the performance of a function.

- "4. Administrative Effectiveness: Functions should be assigned (a) to jurisdictions that are responsible for a wide variety of functions and so can balance competing functional interests, (b) to jurisdictions that encompass a geographic area adequate for effective performance of a function, (c) to jurisdictions that explicitly determine the goals and means of discharging public service responsibilities and that periodically reassess program goals in light of performance standards, (d) to jurisdictions willing to pursue intergovernmental means of promoting interlocal functional cooperation and reducing interlocal functional conflict, and (e) to jurisdictions with adequate legal authority to perform a function and to rely on this authority in administering the function."

In looking at the criteria for dealing with problems in metropolitan areas, less traditional ways are also being looked at with greater frequency. In addition to annexation, ways often looked at are city-county consolidations, transfer of functions and intergovernmental agreements, the urban county and the federation of local governments. Much has been written on these subjects. In each of these configurations the process of transferring functions or consolidation tend to blend with the actions of another activity such as development of an urban county and/or consolidation. The implementation of these types of proposals in various local units of government tend to vary significantly in each specific location. It is significant that many of the areas which have considered these other alternatives are also areas which have been foreclosed from annexation either by state law or by physical constraints.

Annexation - Although not often thought of as a restructuring of local government, annexation is precisely just that. Each annexation effects the corporate "charter" by expanding its geographic boundaries, adds new members to the corporation and expands both its responsibilities and its financial base. The act of annexation also, is a step to protect its future ability to grow. It is practiced by the big (Houston), the medium (Oklahoma City, Tulsa, Wichita) and the smaller cities (Derby and Haysville).

Annexation as a process is practiced most by cities in mid-central, the south and the west. For decades, older cities in the East have been precluded from annexing due to incorporations which have ringed them or by the existence of towns which perform many of the urban functions and freeze city boundaries. Many cities have been closed off from growth due to their inability to annex.

As an answer to growth problems, annexation has certain advantages. Some of these are that it:

- 1) More equitably spreads the cost of government borne by the Central City. Small fringe areas do not generate demands for major facilities, i.e. Kelloggs, Rock Roads, Pawnee Prairie and Chisolm Creek Semi Regional parks, Century II, nor for general overhead items such as a City Manager, Economic Development, Planning, police labs, computers, etc.), but collectively with other such areas and the center city, they bring about the need for the central city to undertake them. Failure by the central city of provide these areas with tangible services and the intangible services would visually show up in the quality of life not only for center city but for the fringe areas as well. What would life at the fringe be if Wichita did not maintain the level of police and recreation services for the existing city? Area wide services such as the Library, Art Museum & Parks & industrial development provide general benefits to the entire area. By annexing, especially the upper-middle residential, business and industry, those costs are more fairly supported. Essentially growing cities are more healthy than those who are not.
- 2) Assists in the coordination and provision of services. Without the geographic area under a single jurisdiction, actions such as provision of sewer and streets become more difficult. Problems in having multiple jurisdictions, exist in the timing of services, in legally initiating projects, in recovering costs from those who will benefit in the future but are not in the City do not participate in the financing of facilities and services. As a single example road construction where one-half is in one city and one-half is in another jurisdiction, presents real and practical problems. It took years with Eastborough, Wichita and the County to pave Woodlawn.
- 3) Provides room for future growth and allows the City to plan for services such as arterials, sewer, water, fire station, etc. If the city cannot grow out, the alternatives are non-growth or upward growth. Wichita has little area to infill. Greater densities on "up" are o.k. but may mean congestion and other problems. No growth means no way to renew an aging physical plant. Similarly social/economic problems generally increase with a city's age.
- 4) Allows services to be provided at a lower cost.

This however is debatable. As the city gets bigger, its overhead goes up and more specialized services are offered. On the other hand, capital intensive items like water treatment plants, water sources, and sewage treatment plants provide increased efficiency and costs are usually lowered. The issue of costs is more properly an issue of what services are paid for. This is the basic fringe area problem in that they do not normally want to "buy" the level or range of services existing in the Central City.

- 5) Raises the City's image in terms of marketing. Cities are generally ranked on size. It is important in marketing and economic development.
- 6) Reclaims community leadership. Annexation brings into the corporate fold many who could and should serve on advisory boards and even those who would run for office in the city. As decisions and policies made by the City affect those on the fringe, they should be in and a part of it. Even though people live on the fringe when they vacation or travel on business, they are from Wichita not Bel Aire or the Trees.
- 7) Preserves the tax base. This is closely related to No. 1. Even with a reduced reliance on the ad valorem tax, revenues will be generated either on income, sales tax, or the redistribution of state and federal taxes (such as gas tax and revenue sharing), all of which will be identified on the geographic site it generated from. It is therefore important to keep the tax base growing.
- 8) Provides a way to assume control of areas that have deficiencies in services or control, and which may be creating negative spillovers such as social problems or crime.
- 9) Can offset some of the fleeing to the fringe. If the idea of leaving the central city is negated, then the choice to relocate becomes one of "moving costs" rather than the cost of housing.
- 10) Provides for a better utilization of existing services and capital investment. This is especially true in Wichita where water treatment, distribution systems and sewer systems have been sized for growth. If the growth does not occur and duplicate facilities are built by others, the total cost of development will go up.

People historically object to annexation unless they are in dire straights for basic public services like water and sewer. There are several reasons. They are:

- 1) Taxes will increase. At the present people on the fringe buy their services selectively and do not take a full service package like Wichita. Even when promised "better" service such as police, they don't believe it or say they don't need or want it. As long as the areawide services are there, there is no overcoming these arguments about the selective buying of services and remaining a non-resident of the City. Few would live where they do if Wichita did not exist as a central city. An example of taxes based on 1980 budgets: Bel Aire paid 77.308 mills vs. Wichita 104.360. A 27.052 mill difference or 35% increase. On a \$50M home assessed at 10% value the tax bill will increase 135.26 a year from \$386.54 to \$521.80.

As a Virginia appellate court so pointedly put the matter:

"It is no answer to an annexation proceeding to assert that individual residents of the county do not need or desire the governmental services rendered by the city. A county resident may be willing to take a chance on police, fire and health protection and even tolerate inadequacy of sewer, water and garbage collection service. As long as he lives in an isolated situation his desire for lesser services and cheaper government may be acquiesced in with complacency, but when the movement of population has made him a part of a compact urban community, his individual preferences can no longer be permitted to prevail. It is not so much that he needs the city government as it is that the area in which he lives needs it."

The Kansas League of Municipalities annexation manual uses the following analogy:

"When the owner of the hot dog stand adjoining the city resists city annexation and asserts he does not need the city, what is he really saying? He is saying, 'I already have the benefits of the city's population density with its hundreds of hot dog lovers. I have the benefits of city streets providing access to the doorstep of my business. I have the benefits of all the city rules and regulations which in spite of their restrictive nature make the city a more agreeable place for all my hot dog lovers to

stay together. I just don't want any of the burdens that go with such benefits that hot dog stand owners have within the city.'

The unreasonableness of such a position requires no answer. Nor can it be asserted that because the adjoining land does not presently contain a hot dog stand the city has no justification in annexing it. The very fact the city exists in close proximity often changes the value and use of land from rural to urban. Why must the city wait until the hot dog stand is built?"

- 2) A loss of identity and sense of control they feel they have as an improvement district or small city (629 Dwelling Units - 2166 people). As a 100% of 2166 vs. 1% of 272M, they are more at ease with controlling their own destiny.
- 3) A feeling that fringe areas don't want the burden of Wichita's social problems, minorities, poor and crime. If they are in the City they will inherit some of it in their area.
- 4) Fringe areas, immediately following their incorporation, frequently require higher capital outlays than do older part of the city. This involves connecting streets and utilities to the city network and upgrading facilities. This is true in some of the older developed areas, but in the newer areas, standards match that of the City and should not be impactive in this regard.
- 5) Further, there is a question of whether there is an overall increase benefit due to economies of scale. Studies have shown that as cities grow larger, cost/capita increase. This has been directed largely to human service systems like police, welfare, etc. This is caused by additional hierarchical structure and higher salaries paid to employees of larger organizations. However this is often offset by economies of scale for capital/commodity intensive services like water, sewer, streets and similar services.

In summary, annexation is one way to restructure local government to more fairly distribute costs and to provide for a single unit in making policy. It has weaknesses due to the inability to get all of the area that is urbanized in the Metro area (such as Crestview and Timber Lake--a matter of timing and development of inbetween tracts). Also sooner or later you run into the older cities (Haysville, Goddard, Kechi, Andover) and this will ultimately block

growth. However this is a 2-way street as they too have a need and right to grow and in some directions, Wichita blocks them. Due to amount of growth required to bring this to pass, it may be decades away in most instances. It is here that a more extensive re-examination of the role of local government could be fruitful (i.e. consolidation, urban country, etc.).

Legal Aspects of Annexation. Kansas has had until 1974 rather liberal annexation laws. Up to that time a city had only to follow the rules of what tracts could be annexed and pass an ordinance. Annexation wars in the Kansas City area produced the need to provide more structure as to when and how annexation could take place. The Kansas legislature has tightened the laws by reducing the size of tracts involved, excluded tracts over 55 acres used only for agriculture unless agreed to by the owner, required a public hearing, required a plan for services and allowing parties of interest to sue if they felt the law has not been followed. Land touching the city can be annexed when petitioned for by the owner without the plan for services and public hearing. Most of Wichita's annexations have followed this procedure during the last 5 or 6 years.

The State law now provides that annexation can occur when (a) the land is platted and some part of such land adjoins the city (b) the land is owned by or held in trust by for the city or any agency thereof (c) the land adjoins the city and is owned by or held in trust for any governmental unit other than another city (d) the land lies within or mainly within the city and has a common perimeter of the city boundary lines of more than 50% (e) the land if annexed will make the boundary line straight or harmonious in some part thereof adjoins the city except that no land in excess of 20 acres shall be annexed for this purpose (f) the land is so situated that 2/3 of any boundary adjoins the city except that no tract in excess of 20 acres shall be annexed under this condition (g) the land adjoins the city and a written petition for or consent to annexation is filed with the city by the owners. The city is precluded from annexing land and 55 acres or larger which is used only for agricultural purposes without the consent of the owner and is also prohibited from annexing down a highway in order to annex other lands. There is also a provision that land not adjoining the city can be annexed when it is petitioned by the land owner and after the Board of County Commissioners have held a public hearing and concur in such action.

In addition there is a provision that has not yet been used at least in this county whereas the governing body of any city can petition to the county for the authority to annex lands not otherwise authorized to be annexed under the provisions of KSA1973 Sup.12-520 (the preceding a-g conditions). This would include the annexation of lands that might not otherwise fall under the criteria of the acreage rules. A plan for services and the other requirements would still be a part of such proceedings.

Annexation Procedures. The State law does require a number of procedural steps be followed in any annexation except those where the landowner petitions the city and is adjacent thereto. The following steps must be followed:

- 1) the governing body instructs staff to prepare legal description map and plan for services
- 2) a service plan is approved by governing body
- 3) at the same meeting as "2", the governing body would adopt a resolution specifying a hearing date
- 4) a resolution and notice with map are mailed to property owners within 10 days of the adoption of the resolution
- 5) a resolution and map are published in the official newspaper one to two weeks before the hearing
- 6) a public hearing is held not less than 60 nor more than 70 days after the resolution is adopted
- 7) the annexation ordinance may be adopted
- 8) the ordinance is published and takes effect
- 9) property owners may file action in District Court challenging the annexation action within 30 days after publication of annexation ordinance

History of annexation in Wichita. Since its incorporation in 1871 Wichita has grown through annexation and continues to do so yearly. In 1871 Wichita's land area consisted of 0.29 square miles. During its early period the city remained fairly small despite property speculation activities that took place during the 1880's many miles around it and especially to the north. By 1910 Wichita had grown to 3.37 square miles. By 1960 Wichita had expanded its city limits to include 52.92 square miles. It was at this point that Wichita reexamined in its growth program and embarked on its "One Wichita" program which provided extensive annexation in the early 1960's. In this time period, Wichita annexed another 28.58 square miles and since that time has grown to over 100 square miles of land area. Rather interestingly most of Wichita's annexation since World War II has occurred in those areas served by the expansion of major water and sewer lines. Since 1971, the city has continued to annex property at an average rate of 1.36 square miles per year. Between 1971 and 1975, 7.42 square miles were annexed and between 1976 and 1979, 4.78 square miles had been annexed. The table following and the map show the annexations which have taken place between the years 1870 and 1979.

GROWTH OF WICHITA LAND AREA  
1970 - 1979

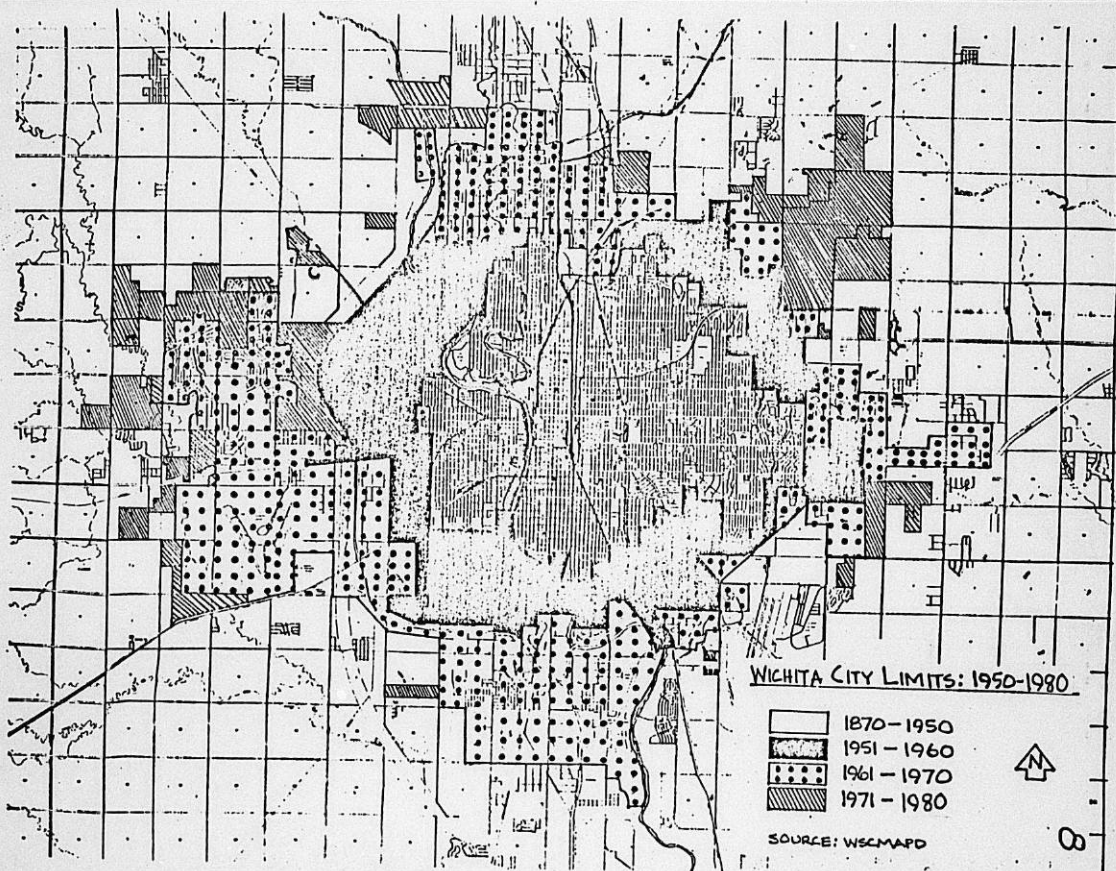
<u>Years</u>	<u>Annexed Land</u>	<u>Total Square Miles Of City (12/31/79)</u>
1871-1910	3.08	3.37
1910-1920	15.52	18.89
1920-1940	1.67	20.56
1940-1950	5.93	26.49
1951-1955	19.02	45.55
1956-1960	7.37	52.92
1961-1965	28.58	81.5
1966-1970	7.7	89.2
1971-1975	7.42	96.62
1976	.53	97.15
1977	1.0	98.15
1978	1.42	99.57
1979	1.83	101.40

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Source: MAPD, Current Plans Division, 1979

Wichita is not alone in annexation. Kansas Municipalities with population of over 2500 annexed a total of 187.7 square miles between 1970 and 1978. In 1978 annexations alone totaled 8.3 square miles. Of these, Wichita represented 17% of all annexations in the State. In rank order against the 50 states Kansas ranked 19th in land area annex between 70 and 78 and 30th in 1979.

Annexation in Relation to Comprehensive Plans. Basically Wichita's growth pattern has followed the comprehensive plan as expressed in several adopted plan elements. The general growth patterns for the Wichita area have been set forth in several reports. Probably the most significant report was the year 2000 sewer plan adopted in 1970. Earlier reports including the 1960 One-Wichita, the 1964 Transportation Plan, and the more recent Park and Open Space Plan and Water Plan show a general growth area for the City of Wichita. The essential area for that growth is along the Transportation axis particularly to the west and to the east with significant growth to the northeast. Moderate amounts of fill-in growth are also shown towards the north and to the south. These reports as well as showing growth for the City of Wichita, also suggest growth patterns for the smaller cities within the city and the improvement districts. Just as Wichita is projected to grow, so are the areas around Haysville, Derby, Valley Center, Park City, Goddard and others.

Three cooperative efforts have been undertaken recently to



determine the most efficient way for sewer services to be provided for growth areas. The first of these is the Four Mile Creek Area to the east in which Sedgwick County has established a sewer district and the City of Wichita is providing water services. The second of these is a study to determine the most cost effective method of providing sewage treatment in the area between Wichita and the Improvement District of Park City. The third area currently underway is the Cowskin Intercept Study for the west side and the updating of the year 2000 sewer plan. The Cowskin area, much of which lies within the City of Wichita, also has extensive areas outside the City of Wichita calling for a cooperative study for determination of how best to serve this area.

As indicated above, a number of plan elements have been adopted by the Metropolitan Area Planning Commission. The land use element which does speak specifically to growth areas, was adopted by the MAPC in 1978. The water plan also adopted by the Planning Commission shows growth derived from the patterns established in the land use plan. The adopted water plan establishes a need for well engineered, reliable water system both for quality urban living and for fire protection purposes. These plans propose compact growth adjacent to and contiguous to the existing Wichita urban area. Although not precise to each individual parcel, these plans are clear and concise enough to establish areas for urban services. This plan specifically was used by the City of Wichita in establishing the areas in which it would authorize the extension of water services outside the City subject to annexation agreements. This policy was established in early 1980. The land use plan supports an orderly growth pattern including infill of the existing city as well as expanded growth in selected areas at the edge. It is significant that this is a selective growth plan and is not one which would promote annexation in a "willie-nillie" fashion throughout the area and giving rise to what is known as urban sprawl. The possibility that projected directions of growth can be blocked makes the effectuation of such plans difficult and may potentially create problems related to acceptance by federal agencies who assist in financing these developments unless the local units of government have the capacity for carrying out the plans as adopted.

Transfer of Functions - Intergovernmental Agreements. one of the easiest alternatives to accomplish in restructuring local government is the transfer of a function to another unit of government which may have a better geographic base or financing base. Also the contracting of services is a popular way of handling service needs particularly in the California area and more specifically in the widely metropolitanized area of Los Angeles and San Francisco. There appears to be a tendency for larger units of government to enter into service agreements. The factor most often effecting the desirability of entering in such agreements is to achieve economies of scale in the provisions of services. The factor most inhibiting is probably the fear that the independence of action of the contracting agencies will be limited by such contracting.

The contracting device serves as an alternate to formal and more permanent transfers in that it allows the 1st unit of government to take back the function should it for any reason be dissatisfied. This process does not however deal effectively with placing the function with the most efficient and most equitable tax base unit. It has been common in many central cities to be somewhat reticent to extend water supply and sewer lines to suburban communities for fear that the exodus of citizens in business firms to the suburbs will be accelerated if they acquire the central city services.

Some observers to the reform of local government view that the use of large numbers of agreements is a desultory approach to the solution of service problems and it complicates the local governmental system making it even less responsive to the needs and wishes to the citizens. However, there is also a suggestion that unless local units of government gain experience and enter local service agreements, they may never arrive at the level of comfort which will permit a more fundamental type of collaborative endeavor. On the positive side, this has been a fairly popular arrangement, because it is pragmatic, it is piecemeal, it is permissive and not mandated and has had a minimal disruptive impact on the structure of local governments. On the other hand, it seems that most of the intergovernmental contracting or cooperation has occurred for those activities which provide the solution of relatively minor and fairly noncontroversial problems. The positive and negative side of this approach is that it is incremental.

Urban Counties - the development of urban counties is gaining greater attention throughout the United States. A recent article in the Wall Street Journal describes some of the current development in this area. Counties indeed have much to offer primarily because most often a county has the requisite geographic scope (particularly in single county SMSA's) to deal effectively with most urban problem. Even in an area like Wichita-Sedgwick County where the SMSA includes Butler County, Sedgwick County essentially contains the bulk of the urbanizing area minus Andover and Rose Hill. Similarly it should be noted that in every successful major metropolitan reorganization (excepting Minneapolis-St. Paul) there has been involved a single restructured county. Also the ability to provide a wide based tax support favor urban counties. The county has traditionally been the administrative agent for the state and only in more recent years has it begun to assume the responsibility for functions that cities have often performed. An urban county differs from old form counties primarily in its role of providing more urban services as a basic responsibility. This role is most often created by legislative edict or by voter approval of a special "charter" enlarging the power of the county.

The treatment of urban counties has been different in different areas where the county would assume governmental functions for area wide activities, while local functions which are single jurisdiction

in scope could be continued to be handled by the municipalities. In some areas there is still the question of whether or not the county should perform the services only in the unincorporated areas or on a county wide basis. In Kansas, Johnson County functions as an Urban County, although probably not to the degree that is thought of in the various papers on this subject. There was an attempt in 1976 to adopt a new county charter expanding the County role. It was narrowly defeated. There is currently in the legislature a bill for Wyandotte County which would make it more urban.

There is a wide range of possibilities among the examples as to what functions go county wide and what stays within the municipality. The typical area wide activities are mass transit, airport, education, solid waste disposal, sewage and sewage disposal, air pollution, water pollution control, water supply and highways. Other examples included fire, libraries, areawide Planning, areawide parks and recreation systems, special police services and redevelopment functions. Although much of the literature includes Dade county as a sole example of an urban county with a two tier service level, most people consider Miami-Dade County as a city-county consolidation. Some of the same problems of reorganizing at an urban county level also exists for the consolidations. Issues of fair representation between urban and rural populations, minorities and non-minorities and the professionalism of county government have been the issues in the past. Sedgwick County has in the last several years increased its professional capacity.

Consolidation. City-county consolidation has also been an increasing popular way to resolve metropolitan problems. Again, there have been all levels of such mergers including complete mergers under a new government which would be the most far reaching approach. Also a fairly common process exists where the city and the county join but many of the smaller jurisdictions remain as freestanding municipalities. Consolidation really falls into two classes. Those mandated by the states in the early 1900's i.e. Denver, St. Louis and New York have largely outlived their usefulness. They are now enclaved and face the same problems as many other old cities. The newer consolidations began in the 1960's and are still happening. Consolidation referendums are apparently taking place at a more rapid rate with some having been legislated by the state (Indianapolis). About 20% of the referendums held since 1969 have passed (10 of 51). Contributing factors identified have been the increase in federal regional coordination requirements such as related to grant and aide fundings on water, sewer, air pollution, etc. Federal court decisions concerning the equitable distribution of services over the metropolitan areas including housing and fiscal restraints which force localities to reconsider what were in the past at least politically unacceptable alternatives.

The main advantages in consolidations lie in providing a unified coordinated program of service development and a control

over an area that was previously served by a city and a county. Its goal is to simplify governmental structure thereby consolidating responsibility, eliminating duplication and better utilizing resources. The more significant problems that exist in consolidation is the tremendous amount of compromise needed to find an acceptable level of agreements. Usually these consolidations have occurred only where there is a fairly good rapport between the involved local units of government. Contributing significantly to the failure of consolidation effort is the inability to show that cost will be reduced, the dilution of minority voting patterns with the new unit of government and the fear of loss or control as the government goes up one tier and is larger in size. The suburban and rural interests have also shown the same fear and anxieties that minorities have towards loss or dilution of their power.

Federation. Very few examples of true federation exist with the most successful one being Toronto. Toronto reorganized itself into a two tiered layer of government with the municipalities retaining some local controls over services while the area wide controls go to the metropolitan level of government. The Metropolitan, or second tier of government is basically composed of representatives of the first tier. Other forms have been created including a most interesting Minneapolis-St. Paul Metropolitan Council. Created by the State of appointive members, it exercises strong planning controls and control over utility extensions and planning. Other experiments exist such as special districts like Puget Sound and Portland where area wide services are provided by a second tier government.

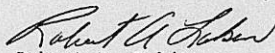
#### Summary

There are at least five major avenues to providing for services and resolving problems in metropolitan areas. They include annexation, development of urban counties, the use of contracting and/or transfer of functions, consolidation and federation. Annexation and transfer of powers and inter-governmental contracting do provide incremental and short range benefits. It would appear however that over the long haul a more basic need exists in terms of meeting the four criteria established by ACIR. It would be beneficial and indeed possible, if local governments are willing to examine the issue and are willing to set specific goals and establish their own criteria to undertake a more fundamental relook at the structuring of local government. As with any endeavor of this type, it would need strong leadership from the several segments of the community, a thoughtful and considered examination of the alternatives available for such restructuring, and a strong informational and information program within the community to communicate the goals, objectives, findings and proposed solutions.

Conclusion

It is my judgment that without a significant commitment for restructuring such as the development of consolidation and/or an urban county that it is within the best interest of the City of Wichita to continue with its annexation programs to protect its ability to grow. If at such time there are firm commitments made toward an urban county or consolidation, etc., then the annexation issue largely becomes moot.

In the event there are additional incorporations which preclude growth by the City of Wichita there will then be created, in my judgment, even greater pressures toward resolving the issue of financing and service equities. In fact such acts, if they should occur, indeed will force the day to when serious consideration will have to be given to basic restructuring of local government.

  
Robert A. Lakin  
Director of Planning

cc: Board of City Commissioners  
Board of County Commissioners  
Metropolitan Area Planning Commissioners

FROM \_\_\_\_\_ DATE \_\_\_\_\_

ADMINISTRATION	ADVANCE PLANS	CURRENT PLANS	GRAPHICS
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<input type="checkbox"/> Doramus	<input type="checkbox"/> Leivo	<input checked="" type="checkbox"/> Young	<input type="checkbox"/> Commer
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REMARKS

*Did we have a job on this? If  
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TS-105

WICHITA-SEDGWICK COUNTY

DATE  
September 2, 1980

METROPOLITAN AREA PLANNING DEPARTMENT

TO E. H. Denton, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Managing Growth

The growth of any urbanizing area presents a number of problems. These are not new nor unique to the Wichita-Sedgwick County area. However this area by fortune of its past development (past policies and quality) is in a generally unique position to examine its future and make rational decisions about where and how its future is to be determined.

Problems most often identified with urban growth are:

- 1) flight of higher income residents and businesses to the fringe;
- 2) proliferation of special districts and units of government;
- 3) the inequities and diseconomies involved in central city financing of area services;
- 4) the coordination and timeliness of providing services;
- 5) service disparities;
- 6) inability to cope with areawide problems;
- 7) the decline of the tax base of the central cities;

These problems seem to have been handled differently by different communities and in different parts of the country. The result has been a search for a more efficient mechanism to deal with these problems including the restructuring of local government. Failure to deal effectively with these problems often has resulted in federal or state intervention. Examples of intervention have been in hazardous waste regulations, water and air quality regulations, intervention in the housing market and many, many more.

Restructuring of local government

Looking at the issue of restructuring local government, there has been much written on the subject. However, most of this writing has been done during the early 70's and not much has been done in recent years. The more significant body of writing on restructuring local government has been produced by

the Advisory Commission on Intergovernmental Relations (ACIR). This is a federally sponsored organization and was created by President Eisenhower in 1959. It contains as members, representatives of House, the Senate, officers of the executive branches of the Federal Government, Governors, Mayors, elected county officials and state legislative leaders as well as private citizens. It is a small but highly respected group of people who have examined in depth issues of governmental reorganization. A series of volumes have been published on this subject and are available for more extensive reading.

Although everyone probably has their own list of urban problems, the ones listed earlier are reasonably representative of problems identified in studies done in this area. The more common methods of trying to deal with these problems have been restructuring of local government in one of several ways. Included in these ways is (1) annexation, (2) the development of urban counties; (3) the use of contractual arrangements and/or the transfer of functions; (4) consolidation; and (5) the use of federated forms of government. Each of these have certain pluses and minuses and whole volumes have been written on the subjects which make it impossible to completely summarize in this paper. The ACIR did however, attempt to develop some criteria by which to evaluate the various alternatives that might be considered in reorganizing or restructuring local government. A summary of these criteria is as follows:

- "1. Economic Efficiency: Functions should be assigned (a) to jurisdictions large enough to realize economies of scale and small enough not to incur diseconomies of scale, (b) to jurisdictions willing to provide alternative service offerings to their citizens and to provide these public services within a price range and level of effectiveness acceptable to local citizenry, and (c) to jurisdictions that adopt pricing policies for appropriate functions whenever possible.
- "2. Equity: Functions should be assigned (a) to jurisdictions large enough to encompass the cost and benefits of a function or willing to compensate other jurisdictions for the service costs imposed or benefits received by them, and (b) to jurisdictions that have adequate fiscal capacity to finance their public service responsibilities and that are willing to implement measures that insure interpersonal and interjurisdictional equity in the performance of a function.
- "3. Political Accountability: Functions should be assigned (a) to jurisdictions controllable by, accessible to, and accountable to their residents in the performance of their public service responsibilities, and (b) to

jurisdictions that maximize the conditions and opportunities for active and productive citizen participation in the performance of a function.

- "4. Administrative Effectiveness: Functions should be assigned (a) to jurisdictions that are responsible for a wide variety of functions and so can balance competing functional interests, (b) to jurisdictions that encompass a geographic area adequate for effective performance of a function, (c) to jurisdictions that explicitly determine the goals and means of discharging public service responsibilities and that periodically reassess program goals in light of performance standards, (d) to jurisdictions willing to pursue intergovernmental means of promoting interlocal functional cooperation and reducing interlocal functional conflict, and (e) to jurisdictions with adequate legal authority to perform a function and to rely on this authority in administering the function."

In looking at the criteria for dealing with problems in metropolitan areas, less traditional ways are also being looked at with greater frequency. In addition to annexation, ways often looked at are city-county consolidations, transfer of functions and intergovernmental agreements, the urban county and the federation of local governments. Much has been written on these subjects. In each of these configurations the process of transferring functions or consolidation tend to blend with the actions of another activity such as development of an urban county and/or consolidation. The implementation of these types of proposals in various local units of government tend to vary significantly in each specific location. It is significant that many of the areas which have considered these other alternatives are also areas which have been foreclosed from annexation either by state law or by physical constraints.

Annexation - Although not often thought of as a restructuring of local government, annexation is precisely just that. Each annexation effects the corporate "charter" by expanding its geographic boundaries, adds new members to the corporation and expands both its responsibilities and its financial base. The act of annexation also, is a step to protect its future ability to grow. It is practiced by the big (Houston), the medium (Oklahoma City, Tulsa, Wichita) and the smaller cities (Derby and Haysville).

Annexation as a process is practiced most by cities in mid-central, the south and the west. For decades, older cities in the East have been precluded from annexing due to incorporations which have ringed them or by the existence of towns which perform many of the urban functions and freeze city boundaries. Many cities have been closed off from growth due to their inability to annex.

As an answer to growth problems, annexation has certain advantages. Some of these are that it:

- 1) More equitably spreads the cost of government borne by the Central City. Small fringe areas do not generate demands for major facilities, i.e. Kelloggs, Rock Roads, Pawnee Prairie and Chisolm Creek Semi Regional parks, Century II, nor for general overhead items such as a City Manager, Economic Development, Planning, police labs, computers, etc.), but collectively with other such areas and the center city, they bring about the need for the central city to undertake them. Failure by the central city to provide these areas with tangible services and the intangible services would visually show up in the quality of life not only for center city but for the fringe areas as well. What would life at the fringe be if Wichita did not maintain the level of police and recreation services for the existing city? Area wide services such as the Library, Art Museum & Parks & industrial development provide general benefits to the entire area. By annexing, especially the upper-middle residential, business and industry, those costs are more fairly supported. Essentially growing cities are more healthy than those who are not.
- 2) Assists in the coordination and provision of services. Without the geographic area under a single jurisdiction, actions such as provision of sewer and streets become more difficult. Problems in having multiple jurisdictions, exist in the timing of services, in legally initiating projects, in recovering costs from those who will benefit in the future but are not in the City do not participate in the financing of facilities and services. As a single example road construction where one-half is in one city and one-half is in another jurisdiction, presents real and practical problems. It took years with Westborough, Wichita and the County to pave Woodlawn.
- 3) Provides room for future growth and allows the City to plan for services such as arterials, sewer, water, fire station, etc. If the city cannot grow out, the alternatives are non-growth or upward growth. Wichita has little area to infill. Greater densities on "up" are o.k. but may mean congestion and other problems. No growth means no way to renew an aging physical plant. Similarly social/economic problems generally increase with a city's age.
- 4) Allows services to be provided at a lower cost.

This however is debatable. As the city gets bigger, its overhead goes up and more specialized services are offered. On the other hand, capital intensive items like water treatment plants, water sources, and sewage treatment plants provide increased efficiency and costs are usually lowered. The issue of costs is more properly an issue of what services are paid for. This is the basic fringe area problem in that they do not normally want to "buy" the level or range of services existing in the Central City.

- 5) Raises the City's image in terms of marketing. Cities are generally ranked on size. It is important in marketing and economic development.
- 6) Reclaims community leadership. Annexation brings into the corporate fold many who could and should serve on advisory boards and even those who would run for office in the city. As decisions and policies made by the City affect those on the fringe, they should be in and a part of it. Even though people live on the fringe when they vacation or travel on business, they are from Wichita not Bel Aire or the Trees.
- 7) Preserves the tax base. This is closely related to No. 1. Even with a reduced reliance on the ad valorem tax, revenues will be generated either on income, sales tax, or the redistribution of state and federal taxes (such as gas tax and revenue sharing), all of which will be identified on the geographic site it generated from. It is therefore important to keep the tax base growing.
- 8) Provides a way to assume control of areas that have deficiencies in services or control, and which may be creating negative spillovers such as social problems or crime.
- 9) Can offset some of the fleeing to the fringe. If the idea of leaving the central city is negated, then the choice to relocate becomes one of "moving costs" rather than the cost of housing.
- 10) Provides for a better utilization of existing services and capital investment. This is especially true in Wichita where water treatment, distribution systems and sewer systems have been sized for growth. If the growth does not occur and duplicate facilities are built by others, the total cost of development will go up.

People historically object to annexation unless they are in dire straights for basic public services like water and sewer. There are several reasons. They are:

- 1) Taxes will increase. At the present people on the fringe buy their services selectively and do not take a full service package like Wichita. Even when promised "better" service such as police, they don't believe it or say they don't need or want it. As long as the areawide services are there, there is no overcoming these arguments about the selective buying of services and remaining a non-resident of the City. Few would live where they do if Wichita did not exist as a central city. An example of taxes based on 1980 budgets: Bel Aire paid 77.308 mills vs. Wichita 104.360. A 27.052 mill difference or 35% increase. On a \$50M home assessed at 10% value the tax bill will increase 135.26 a year from \$386.54 to \$521.80.

As a Virginia appellate court so pointedly put the matter:

"It is no answer to an annexation proceeding to assert that individual residents of the county do not need or desire the governmental services rendered by the city. A county resident may be willing to take a chance on police, fire and health protection and even tolerate inadequacy of sewer, water and garbage collection service. As long as he lives in an isolated situation his desire for lesser services and cheaper government may be acquiesced in with complacency, but when the movement of population has made him a part of a compact urban community, his individual preferences can no longer be permitted to prevail. It is not so much that he needs the city government as it is that the area in which he lives needs it."

The Kansas League of Municipalities annexation manual uses the following analogy:

"When the owner of the hot dog stand adjoining the city resists city annexation and asserts he does not need the city, what is he really saying? He is saying, 'I already have the benefits of the city's population density with its hundreds of hot dog lovers. I have the benefits of city streets providing access to the doorstep of my business. I have the benefits of all the city rules and regulations which in spite of their restrictive nature make the city a more agreeable place for all my hot dog lovers to

stay together. I just don't want any of the burdens  
that go with such things, and that dog stand owners  
have within the city.

The unreasonableness of such a position requires  
no answer. Nor can it be asserted that because the  
adjoining land does not presently contain a hot dog  
stand the city has no justification in annexing it.  
The very fact the city exists in close proximity  
often changes the value and use of land from rural  
to urban. Why must the city wait until the hot dog  
stand is built?"

- 2) A loss of identity and sense of control they feel  
they have as an improvement district or small city  
controlling their own destiny.
- 3) A feeling that fringe areas don't want the  
burden of Wichita's social problems, minorities,  
poor and crime. If they were in the city they will  
accept some of it in their area.
- 4) Fringe areas, immediately following their incorporation,  
frequently require higher capital outlays than do older  
part of the city. This involves connecting streets and  
utilities to the city network and upgrading facilities.  
This is true in some of the older developed areas,  
but in the newer areas, standards match that of the  
City and should not be impactive in this regard.
- 5) Further, there is a question of whether there  
is an overall increase benefit due to economies of scale.  
Studies have shown that as cities grow larger, cost/  
capita increase. This has been directed largely  
to human service systems like police, welfare,  
etc. This is caused by additional hierarchical  
structure and higher salaries paid to employees  
of larger organizations. However this is often  
offset by economies of scale for capital/commodity  
intensive services like water, sewer, streets  
and similar services.

In summary, annexation is one way to restructure local  
government to more fairly distribute costs and to provide  
for a single unit in making policy. It has weaknesses due  
to the inability to get all of the area that is urbanized  
in the Metro area (such as Crestview and Timber Lake--a  
matter of timing and development of between tracts).  
Also sooner or later you run into the older cities (Hays-  
ville, Goddard, Kechi, Andover) and this will ultimately block

growth. However this is a 2-way street as they too have a need and right to grow and in some directions, Wichita blocks them. Due to amount of growth required to bring this to pass, it maybe decades away in most instances. It is here that a more extensive re-examination of the role of local government could be fruitful (i.e. consolidation, urban country, etc.).

Legal Aspects of Annexation. Kansas has had until 1974 rather liberal annexation laws. Up to that time a city had only to follow the rules of what tracts could be annexed and pass an ordinance. Annexation wars in the Kansas City area produced the need to provide more structure as to when and how annexation could take place. The Kansas legislature has tightened the laws by reducing the size of tracts involved, excluded tracts over 55 acres used only for agriculture unless agreed to by the owner, required a public hearing, required a plan for services and allowing parties of interest to sue if they felt the law has not been followed. Land touching the city can be annexed when petitioned for by the owner without the plan for services and public hearing. Most of Wichita's annexations have followed this procedure during the last 5 or 6 years.

The State law now provides that annexation can occur when (a) the land is platted and some part of such land adjoins the city (b) the land is owned by or held in trust by for the city or any agency thereof (c) the land adjoins the city and is owned by or held in trust for any governmental unit other than another city (d) the land lies within or mainly within the city and has a common perimeter of the city boundary lines of more than 50% (e) the land if annexed will make the boundary line straight or harmonious in some part thereof adjoins the city except that no land in excess of 20 acres shall be annexed for this purpose (f) the land is so situated that 2/3 of any boundary adjoins the city except that no tract in excess of 20 acres shall be annexed under this condition (g) the land adjoins the city and a written petition for or consent to annexation is filed with the city by the owners. The city is precluded from annexing land and 55 acres or larger which is used only for agricultural purposes without the consent of the owner and is also prohibited from annexing down a highway in order to annex other lands. There is also a provision that land not adjoining the city can be annexed when it is petitioned by the land owner and after the Board of County Commissioners have held a public hearing and concur in such action.

In addition there is a provision that has not yet been used at least in this county whereas the governing body of any city can petition to the county for the authority to annex lands not otherwise authorized to be annexed under the provisions of KSA1973 Sup.12-520 (the preceding a-g conditions). This would include the annexation of lands that might not otherwise fall under the criteria of the acreage rules. A plan for services and the other requirements would still be a part of such proceedings.

Annexation Procedures. The State law does require a number of procedural steps be followed in any annexation except those where the landowner petitions the city and is adjacent thereto. The following steps must be followed:

- 1) the governing body instructs staff to prepare legal description map and plan for services
- 2) a service plan is approved by governing body
- 3) at the same meeting as "2", the governing body would adopt a resolution specifying a hearing date
- 4) a resolution and notice with map are mailed to property owners within 10 days of the adoption of the resolution
- 5) a resolution and map are published in the official newspaper one to two weeks before the hearing
- 6) a public hearing is held not less than 60 nor more than 70 days after the resolution is adopted
- 7) the annexation ordinance may be adopted
- 8) the ordinance is published and takes effect
- 9) property owners may file action in District Court challenging the annexation action within 30 days after publication of annexation ordinance

History of annexation in Wichita. Since its incorporation in 1871 Wichita has grown through annexation and continues to do so yearly. In 1871 Wichita's land area consisted of 0.29 square miles. During its early period the city remained fairly small despite property speculation activities that took place during the 1880's many miles around it and especially to the north. By 1910 Wichita had grown to 3.37 square miles. By 1960 Wichita had expanded its city limits to include 52.92 square miles. It was at this point that Wichita reexamined in its growth program and embarked on its "One Wichita" program which provided extensive annexation in the early 1960's. In this time period, Wichita annexed another 28.58 square miles and since that time has grown to over 100 square miles of land area. Rather interestingly most of Wichita's annexation since World War II has occurred in those areas served by the expansion of major water and sewer lines. Since 1971, the city has continued to annex property at an average rate of 1.36 square miles per year. Between 1971 and 1975, 7.42 square miles were annexed and between 1976 and 1979, 4.78 square miles had been annexed. The table following and the map show the annexations which have taken place between the years 1870 and 1979.

GROWTH OF WICHITA LAND AREA  
1970 - 1979

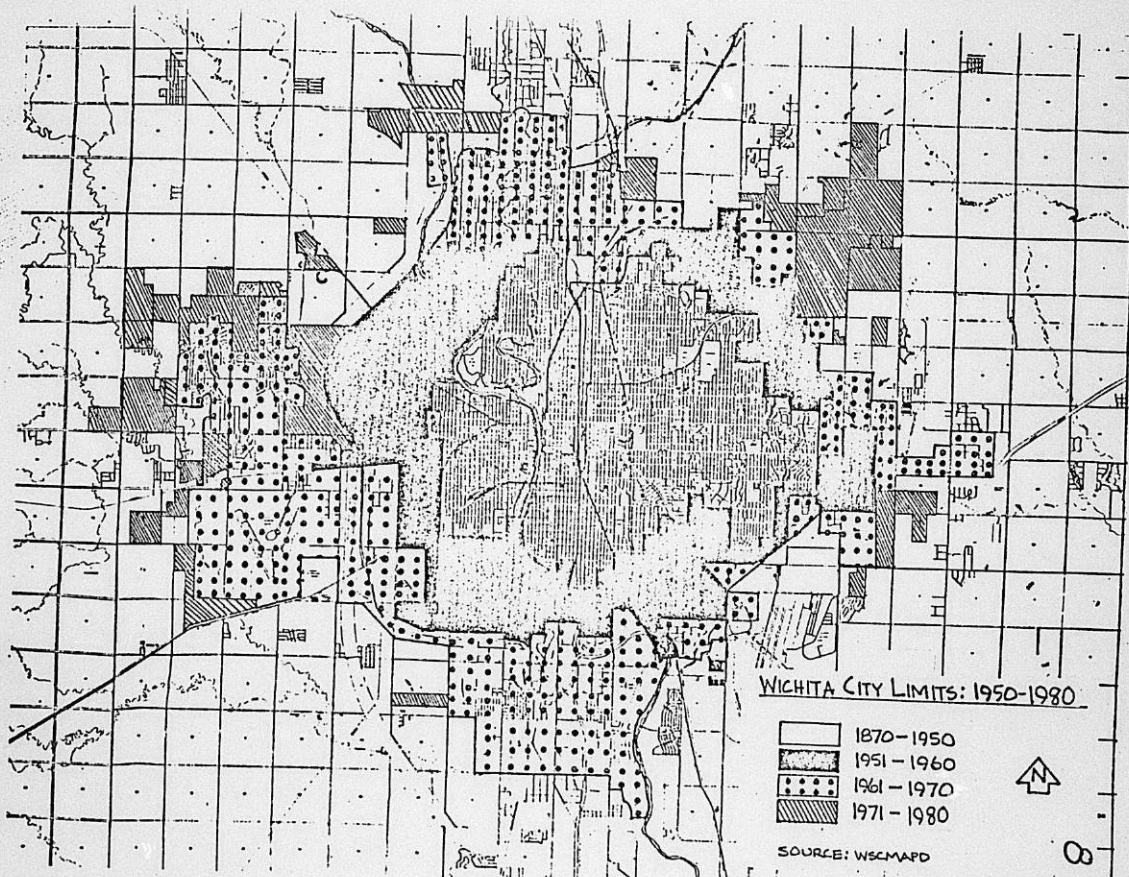
<u>Years</u>	<u>Annexed Land</u>	<u>Total Square Miles Of City (12/31/79)</u>
1871-1910	3.08	3.37
1910-1920	15.52	18.89
1920-1940	1.67	20.56
1940-1950	5.93	26.49
1951-1955	19.02	45.55
1956-1960	7.37	52.92
1961-1965	28.58	81.5
1966-1970	7.7	89.2
1971-1975	7.42	96.62
1976	.53	97.15
1977	1.0	98.15
1978	1.42	99.57
1979	1.83	101.40

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Source: MAPD, Current Plans Division, 1979

Wichita is not alone in annexation. Kansas Municipalities with population of over 2500 annexed a total of 187.7 square miles between 1970 and 1978. In 1978 annexations alone totaled 8.3 square miles. Of these, Wichita represented 17% of all annexations in the State. In rank order against the 50 states Kansas ranked 19th in land area annex between 70 and 78 and 30th in 1979.

Annexation in Relation to Comprehensive Plans. Basically Wichita's growth pattern has followed the comprehensive plan as expressed in several adopted plan elements. The general growth patterns for the Wichita area have been set forth in several reports. Probably the most significant report was the year 2000 sewer plan adopted in 1970. Earlier reports including the 1960 One-Wichita, the 1964 Transportation Plan, and the more recent Park and Open Space Plan and Water Plan show a general growth area for the City of Wichita. The essential area for that growth is along the Transportation axis particularly to the west and to the east with significant growth to the northeast. Moderate amounts of fill-in growth are also shown towards the north and to the south. These reports as well as showing growth for the City of Wichita, also suggest growth patterns for the smaller cities within the city and the improvement districts. Just as Wichita is projected to grow, so are the areas around Haysville, Derby, Valley Center, Park City, Goddard and others.

Three cooperative efforts have been undertaken recently to



WICHITA CITY LIMITS: 1950-1980.

- 1870-1950
- 1951-1960
- 1961-1970
- 1971-1980

SOURCE: WSCMAP



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determine the most efficient way for sewer services to be provided for growth areas. The first of these is the Four Mile Creek Area to the east in which Sedgwick County has established a sewer district and the City of Wichita is providing water services. The second of these is a study to determine the most cost effective method of providing sewage treatment in the area between Wichita and the Improvement District of Park City. The third area currently underway is the Cowskin Intercept Study for the west side and the updating of the year 2000 sewer plan. The Cowskin area, much of which lies within the City of Wichita, also has extensive areas outside the City of Wichita calling for a cooperative study for determination of how best to serve this area.

As indicated above, a number of plan elements have been adopted by the Metropolitan Area Planning Commission. The land use element which does speak specifically to growth areas, was adopted by the MAPC in 1978. The water plan also adopted by the Planning Commission shows growth derived from the patterns established in the land use plan. The adopted water plan establishes a need for well engineered, reliable water system both for quality urban living and for fire protection purposes. These plans propose compact growth adjacent to and contiguous to the existing Wichita urban area. Although not precise to each individual parcel, these plans are clear and concise enough to establish areas for urban services. This plan specifically was used by the City of Wichita in establishing the areas in which it would authorize the extension of water services outside the City subject to annexation agreements. This policy was established in early 1980. The land use plan supports an orderly growth pattern including infill of the existing city as well as expanded growth in selected areas at the edge. It is significant that this is a selective growth plan and is not one which would promote annexation in a "willie-nillie" fashion throughout the area and giving rise to what is known as urban sprawl. The possibility that projected directions of growth can be blocked makes the effectuation of such plans difficult and may potentially create problems related to acceptance by federal agencies who assist in financing these developments unless the local units of government have the capacity for carrying out the plans as adopted.

Transfer of Functions - Intergovernmental Agreements. one of the easiest alternatives to accomplish in restructuring local government is the transfer of a function to another unit of government which may have a better geographic base or financing base. Also the contracting of services is a popular way of handling service needs particularly in the California area and more specifically in the widely metropolitanized area of Los Angeles and San Francisco. There appears to be a tendency for larger units of government to enter into service agreements. The factor most often effecting the desirability of entering in such agreements is to achieve economies of scale in the provisions of services. The factor most inhibiting is probably the fear that the independence of action of the contracting agencies will be limited by such contracting.

The contracting device serves as an alternate to formal and more permanent transfers in that it allows the 1st unit of government to take back the function should it for any reason be dissatisfied. This process does not however deal effectively with placing the function with the most efficient and most equitable tax base unit. It has been common in many central cities to be somewhat reticent to extend water supply and sewer lines to suburban communities for fear that the exodus of citizens in business firms to the suburbs will be accelerated if they acquire the central city services.

Some observers to the reform of local government view that the use of large numbers of agreements is a desultory approach to the solution of service problems and it complicates the local governmental system making it even less responsive to the needs and wishes to the citizens. However, there is also a suggestion that unless local units of government gain experience and enter local service agreements, they may never arrive at the level of comfort which will permit a more fundamental type of collaborative endeavor. On the positive side, this has been a fairly popular arrangement, because it is pragmatic, it is piecemeal, it is permissive and not mandated and has had a minimal disruptive impact on the structure of local governments. On the other hand, it seems that most of the intergovernmental contracting or cooperation has occurred for those activities which provide the solution of relatively minor and fairly noncontroversial problems. The positive and negative side of this approach is that it is incremental.

Urban Counties - the development of urban counties is gaining greater attention throughout the United States. A recent article in the Wall Street Journal describes some of the current development in this area. Counties indeed have much to offer primarily because most often a county has the requisite geographic scope (particularly in single county SMSA's) to deal effectively with most urban problem. Even in an area like Wichita-Sedgwick County where the SMSA includes Butler County, Sedgwick County essentially contains the bulk of the urbanizing area minus Andover and Rose Hill. Similarly it should be noted that in every successful major metropolitan reorganization (excepting Minneapolis-St. Paul) there has been involved a single restructured county. Also the ability to provide a wide based tax support favor urban counties. The county has traditionally been the administrative agent for the state and only in more recent years has it begun to assume the responsibility for functions that cities have often performed. An urban county differs from old form counties primarily in its role of providing more urban services as a basic responsibility. This role is most often created by legislative edict or by voter approval of a special "charter" enlarging the power of the county.

The treatment of urban counties has been different in different areas where the county would assume governmental functions for area wide activities, while local functions which are single jurisdiction

in scope could be continued to be handled by the municipalities. In some areas there is still the question of whether or not the county should perform the services only in the unincorporated areas or on a county wide basis. In Kansas, Johnson County functions as an Urban County, although probably not to the degree that is thought of in the various papers on this subject. There was an attempt in 1976 to adopt a new county charter expanding the County role. It was narrowly defeated. There is currently in the legislature a bill for Wyandotte County which would make it more urban.

There is a wide range of possibilities among the examples as to what functions go county wide and what stays within the municipality. The typical area wide activities are mass transit, airport, education, solid waste disposal, sewage and sewage disposal, air pollution, water pollution control, water supply and highways. Other examples included fire, libraries, areawide Planning, areawide parks and recreation systems, special police services and redevelopment functions. Although much of the literature includes Dade county as a sole example of an urban county with a two tier service level, most people consider Miami-Dade County as a city-county consolidation. Some of the same problems of reorganizing at an urban county level also exists for the consolidations. Issues of fair representation between urban and rural populations, minorities and non-minorities and the professionalism of county government have been the issues in the past. Sedgwick County has in the last several years increased its professional capacity.

Consolidation. City-county consolidation has also been an increasing popular way to resolve metropolitan problems. Again, there have been all levels of such mergers including complete mergers under a new government which would be the most far reaching approach. Also a fairly common process exists where the city and the county join but many of the smaller jurisdictions remain as freestanding municipalities. Consolidation really falls into two classes. Those mandated by the states in the early 1900's i.e. Denver, St. Louis and New York have largely outlived their usefulness. They are now enclaved and face the same problems as many other old cities. The newer consolidations began in the 1960's and are still happening. Consolidation referendums are apparently taking place at a more rapid rate with some having been legislated by the state (Indianapolis). About 20% of the referendums held since 1969 have passed (10 of 51). Contributing factors identified have been the increase in federal regional coordination requirements such as related to grant and aide fundings on water, sewer, air pollution, etc. Federal court decisions concerning the equitable distribution of services over the metropolitan areas including housing and fiscal restraints which force localities to reconsider what were in the past at least politically unacceptable alternatives.

The main advantages in consolidations lie in providing a unified coordinated program of service development and a control

over an area that was previously served by a city and a county. Its goal is to simplify governmental structure thereby consolidating responsibility, eliminating duplication and better utilizing resources. The more significant problems that exist in consolidation is the tremendous amount of compromise needed to find an acceptable level of agreements. Usually these consolidations have occurred only where there is a fairly good rapport between the involved local units of government. Contributing significantly to the failure of consolidation effort is the inability to show that cost will be reduced, the dilution of minority voting patterns with the new unit of government and the fear of loss or control as the government goes up one tier and is larger in size. The suburban and rural interests have also shown the same fear and anxieties that minorities have towards loss or dilution of their power.

Federation. Very few examples of true federation exist with the most successful one being Toronto. Toronto reorganized itself into a two tiered layer of government with the municipalities retaining some local controls over services while the area wide controls go to the metropolitan level of government. The Metropolitan, or second tier of government is basically composed of representatives of the first tier. Other forms have been created including a most interesting Minneapolis-St. Paul Metropolitan Council. Created by the State of appointive members, it exercises strong planning controls and control over utility extensions and planning. Other experiments exist such as special districts like Puget Sound and Portland where area wide services are provided by a second tier government.

#### Summary

There are at least five major avenues to providing for services and resolving problems in metropolitan areas. They include annexation, development of urban counties, the use of contracting and/or transfer of functions, consolidation and federation. Annexation and transfer of powers and inter-governmental contracting do provide incremental and short range benefits. It would appear however that over the long haul a more basic need exists in terms of meeting the four criteria established by ACIR. It would be beneficial and indeed possible, if local governments are willing to examine the issue and are willing to set specific goals and establish their own criteria to undertake a more fundamental relook at the structuring of local government. As with any endeavor of this type, it would need strong leadership from the several segments of the community, a thoughtful and considered examination of the alternatives available for such restructuring, and a strong informational and information program within the community to communicate the goals, objectives, findings and proposed solutions.

Conclusion

It is my judgment that without a significant commitment for restructuring such as the development of consolidation and/or an urban county that it is within the best interest of the City of Wichita to continue with its annexation programs to protect its ability to grow. If at such time there are firm commitments made toward an urban county or consolidation, etc., then the annexation issue largely becomes moot.

In the event there are additional incorporations which preclude growth by the City of Wichita there will then be created, in my judgment, even greater pressures toward resolving the issue of financing and service equities. In fact such acts, if they should occur, indeed will force the day to when serious consideration will have to be given to basic restructuring of local government.



Robert A. Lakin  
Director of Planning

cc: Board of City Commissioners  
Board of County Commissioners  
Metropolitan Area Planning Commissioners

WICHITA-SEDGWICK COUNTY

DATE  
September 2, 1980

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- 7) the decline of the tax base of the central cities;

These problems seem to have been handled differently by different communities and in different parts of the country. The result has been a search for a more efficient mechanism to deal with these problems including the restructuring of local government. Failure to deal effectively with these problems often has resulted in federal or state intervention. Examples of intervention have been in hazardous waste regulations, water and air quality regulations, intervention in the housing market and many, many more.

Restructuring of local government

Looking at the issue of restructuring local government, there has been much written on the subject. However, most of this writing has been done during the early 70's and not much has been done in recent years. The more significant body of writing on restructuring local government has been produced by

the Advisory Commission on Intergovernmental Relations (ACIR). This is a federally sponsored organization and was created by President Eisenhower in 1959. It contains as members, representatives of House, the Senate, officers of the executive branches of the Federal Government, Governors, Mayors, elected county officials and state legislative leaders as well as private citizens. It is a small but highly respected group of people who have examined in depth issues of governmental reorganization. A series of volumes have been published on this subject and are available for more extensive reading.

Although everyone probably has their own list of urban problems, the ones listed earlier are reasonably representative of problems identified in studies done in this area. The more common methods of trying to deal with these problems have been restructuring of local government in one of several ways. Included in these ways is (1) annexation, (2) the development of urban counties; (3) the use of contractual arrangements and/or the transfer of functions; (4) consolidation; and (5) the use of federated forms of government. Each of these have certain pluses and minuses and whole volumes have been written on the subjects which make it impossible to completely summarize in this paper. The ACIR did however, attempt to develop some criteria by which to evaluate the various alternatives that might be considered in reorganizing or restructuring local government. A summary of these criteria is as follows:

- "1. Economic Efficiency: Functions should be assigned (a) to jurisdictions large enough to realize economies of scale and small enough not to incur diseconomies of scale, (b) to jurisdictions willing to provide alternative service offerings to their citizens and to provide these public services within a price range and level of effectiveness acceptable to local citizenry, and (c) to jurisdictions that adopt pricing policies for appropriate functions whenever possible.
- "2. Equity: Functions should be assigned (a) to jurisdictions large enough to encompass the cost and benefits of a function or willing to compensate other jurisdictions for the service costs imposed or benefits received by them, and (b) to jurisdictions that have adequate fiscal capacity to finance their public service responsibilities and that are willing to implement measures that insure interpersonal and interjurisdictional equity in the performance of a function.
- "3. Political Accountability: Functions should be assigned (a) to jurisdictions controllable by, accessible to, and accountable to their residents in the performance of their public service responsibilities, and (b) to

jurisdictions that maximize the conditions and opportunities for active and productive citizen participation in the performance of a function.

- "4. Administrative Effectiveness: Functions should be assigned (a) to jurisdictions that are responsible for a wide variety of functions and so can balance competing functional interests, (b) to jurisdictions that encompass a geographic area adequate for effective performance of a function, (c) to jurisdictions that explicitly determine the goals and means of discharging public service responsibilities and that periodically reassess program goals in light of performance standards, (d) to jurisdictions willing to pursue intergovernmental means of promoting interlocal functional cooperation and reducing interlocal functional conflict, and (e) to jurisdictions with adequate legal authority to perform a function and to rely on this authority in administering the function."

In looking at the criteria for dealing with problems in metropolitan areas, less traditional ways are also being looked at with greater frequency. In addition to annexation, ways often looked at are city-county consolidations, transfer of functions and intergovernmental agreements, the urban county and the federation of local governments. Much has been written on these subjects. In each of these configurations the process of transferring functions or consolidation tend to blend with the actions of another activity such as development of an urban county and/or consolidation. The implementation of these types of proposals in various local units of government tend to vary significantly in each specific location. It is significant that many of the areas which have considered these other alternatives are also areas which have been foreclosed from annexation either by state law or by physical constraints.

Annexation - Although not often thought of as a restructuring of local government, annexation is precisely just that. Each annexation effects the corporate "charter" by expanding its geographic boundaries, adds new members to the corporation and expands both its responsibilities and its financial base. The act of annexation also, is a step to protect its future ability to grow. It is practiced by the big (Houston), the medium (Oklahoma City, Tulsa, Wichita) and the smaller cities (Derby and Haysville).

Annexation as a process is practiced most by cities in mid-central, the south and the west. For decades, older cities in the East have been precluded from annexing due to incorporations which have ringed them or by the existence of towns which perform many of the urban functions and freeze city boundaries. Many cities have been closed off from growth due to their inability to annex.

As an answer to growth problems, annexation has certain advantages. Some of these are that it:

- 1) More equitably spreads the cost of government borne by the Central City. Small fringe areas do not generate demands for major facilities, i.e. Kelloggs, Rock Roads, Pawnee Prairie and Chisolm Creek Semi Regional parks, Century II, nor for general overhead items such as a City Manager, Economic Development, Planning, police labs, computers, etc.), but collectively with other such areas and the center city, they bring about the need for the central city to undertake them. Failure by the central city of provide these areas with tangible services and the intangible services would visually show up in the quality of life not only for center city but for the fringe areas as well. What would life at the fringe be if Wichita did not maintain the level of police and recreation services for the existing city? Area wide services such as the Library, Art Museum & Parks & industrial development provide general benefits to the entire area. By annexing, especially the upper-middle residential, business and industry, those costs are more fairly supported. Essentially growing cities are more healthy than those who are not.
- 2) Assists in the coordination and provision of services. Without the geographic area under a single jurisdiction, actions such as provision of sewer and streets become more difficult. Problems in having multiple jurisdictions, exist in the timing of services, in legally initiating projects, in recovering costs from those who will benefit in the future but are not in the City do not participate in the financing of facilities and services. As a single example road construction where one-half is in one city and one-half is in another jurisdiction, presents real and practical problems. It took years with Eastborough, Wichita and the County to pave Woodlawn.
- 3) Provides room for future growth and allows the City to plan for services such as arterials, sewer, water, fire station, etc. If the city cannot grow out, the alternatives are non-growth or upward growth. Wichita has little area to infill. Greater densities on "up" are o.k. but may mean congestion and other problems. No growth means no way to renew an aging physical plant. Similarly social/economic problems generally increase with a city's age.
- 4) Allows services to be provided at a lower cost.

This however is debatable. As the city gets bigger, its overhead goes up and more specialized services are offered. On the other hand, capital intensive items like water treatment plants, water sources, and sewage treatment plants provide increased efficiency and costs are usually lowered. The issue of costs is more properly an issue of what services are paid for. This is the basic fringe area problem in that they do not normally want to "buy" the level or range of services existing in the Central City.

- 5) Raises the City's image in terms of marketing. Cities are generally ranked on size. It is important in marketing and economic development.
- 6) Reclaims community leadership. Annexation brings into the corporate fold many who could and should serve on advisory boards and even those who would run for office in the city. As decisions and policies made by the City affect those on the fringe, they should be in and a part of it. Even though people live on the fringe when they vacation or travel on business, they are from Wichita not Bel Aire or the Trees.
- 7) Preserves the tax base. This is closely related to No. 1. Even with a reduced reliance on the ad valorem tax, revenues will be generated either on income, sales tax, or the redistribution of state and federal taxes (such as gas tax and revenue sharing), all of which will be identified on the geographic site it generated from. It is therefore important to keep the tax base growing.
- 8) Provides a way to assume control of areas that have deficiencies in services or control, and which may be creating negative spillovers such as social problems or crime.
- 9) Can offset some of the fleeing to the fringe. If the idea of leaving the central city is negated, then the choice to relocate becomes one of "moving costs" rather than the cost of housing.
- 10) Provides for a better utilization of existing services and capital investment. This is especially true in Wichita where water treatment, distribution systems and sewer systems have been sized for growth. If the growth does not occur and duplicate facilities are built by others, the total cost of development will go up.

People historically object to annexation unless they are in dire straights for basic public services like water and sewer. There are several reasons. They are:

- 1) Taxes will increase. At the present people on the fringe buy their services selectively and do not take a full service package like Wichita. Even when promised "better" service such as police, they don't believe it or say they don't need or want it. As long as the areawide services are there, there is no overcoming these arguments about the selective buying of services and remaining a non-resident of the City. Few would live where they do if Wichita did not exist as a central city. An example of taxes based on 1980 budgets: Bel Aire paid 77.308 mills vs. Wichita 104.360. A 27.052 mill difference or 35% increase. On a \$50M home assessed at 10% value the tax bill will increase 135.26 a year from \$386.54 to \$521.80.

As a Virginia appellate court so pointedly put the matter:

"It is no answer to an annexation proceeding to assert that individual residents of the county do not need or desire the governmental services rendered by the city. A county resident may be willing to take a chance on police, fire and health protection and even tolerate inadequacy of sewer, water and garbage collection service. As long as he lives in an isolated situation his desire for lesser services and cheaper government may be acquiesced in with complacency, but when the movement of population has made him a part of a compact urban community, his individual preferences can no longer be permitted to prevail. It is not so much that he needs the city government as it is that the area in which he lives needs it."

The Kansas League of Municipalities annexation manual uses the following analogy:

"When the owner of the hot dog stand adjoining the city resists city annexation and asserts he does not need the city, what is he really saying? He is saying, 'I already have the benefits of the city's population density with its hundreds of hot dog lovers. I have the benefits of city streets providing access to the doorstep of my business. I have the benefits of all the city rules and regulations which in spite of their restrictive nature make the city a more agreeable place for all my hot dog lovers to

stay together. I just don't want any of the burdens that go with such benefits that hot dog stand owners have within the city.'

The unreasonableness of such a position requires no answer. Nor can it be asserted that because the adjoining land does not presently contain a hot dog stand the city has no justification in annexing it. The very fact the city exists in close proximity often changes the value and use of land from rural to urban. Why must the city wait until the hot dog stand is built?"

- 2) A loss of identity and sense of control they feel they have as an improvement district or small city (629 Dwelling Units - 2166 people). As a 100% of 2166 vs. 1% of 272M, they are more at ease with controlling their own destiny.
- 3) A feeling that fringe areas don't want the burden of Wichita's social problems, minorities, poor and crime. If they are in the City they will inherit some of it in their area.
- 4) Fringe areas, immediately following their incorporation, frequently require higher capital outlays than do older part of the city. This involves connecting streets and utilities to the city network and upgrading facilities. This is true in some of the older developed areas, but in the newer areas, standards match that of the City and should not be impactive in this regard.
- 5) Further, there is a question of whether there is an overall increase benefit due to economies of scale. Studies have shown that as cities grow larger, cost/capita increase. This has been directed largely to human service systems like police, welfare, etc. This is caused by additional hierarchical structure and higher salaries paid to employees of larger organizations. However this is often offset by economies of scale for capital/commodity intensive services like water, sewer, streets and similar services.

In summary, annexation is one way to restructure local government to more fairly distribute costs and to provide for a single unit in making policy. It has weaknesses due to the inability to get all of the area that is urbanized in the Metro area (such as Crestview and Timber Lake--a matter of timing and development of inbetween tracts). Also sooner or later you run into the older cities (Haysville, Goddard, Kechi, Andover) and this will ultimately block

growth. However this is a 2-way street as they too have a need and right to grow and in some directions, Wichita blocks them. Due to amount of growth required to bring this to pass, it maybe decades away in most instances. It is here that a more extensive re-examination of the role of local government could be fruitful (i.e. consolidation, urban country, etc.).

Legal Aspects of Annexation. Kansas has had until 1974 rather liberal annexation laws. Up to that time a city had only to follow the rules of what tracts could be annexed and pass an ordinance. Annexation wars in the Kansas City area produced the need to provide more structure as to when and how annexation could take place. The Kansas legislature has tightened the laws by reducing the size of tracts involved, excluded tracts over 55 acres used only for agriculture unless agreed to by the owner, required a public hearing, required a plan for services and allowing parties of interest to sue if they felt the law has not been followed. Land touching the city can be annexed when petitioned for by the owner without the plan for services and public hearing. Most of Wichita's annexations have followed this procedure during the last 5 or 6 years.

The State law now provides that annexation can occur when (a) the land is platted and some part of such land adjoins the city (b) the land is owned by or held in trust by for the city or any agency thereof (c) the land adjoins the city and is owned by or held in trust for any governmental unit other than another city (d) the land lies within or mainly within the city and has a common perimeter of the city boundary lines of more than 50% (e) the land if annexed will make the boundary line straight or harmonious in some part thereof adjoins the city except that no land in excess of 20 acres shall be annexed for this purpose (f) the land is so situated that 2/3 of any boundary adjoins the city except that no tract in excess of 20 acres shall be annexed under this condition (g) the land adjoins the city and a written petition for or consent to annexation is filed with the city by the owners. The city is precluded from annexing land and 55 acres or larger which is used only for agricultural purposes without the consent of the owner and is also prohibited from annexing down a highway in order to annex other lands. There is also a provision that land not adjoining the city can be annexed when it is petitioned by the land owner and after the Board of County Commissioners have held a public hearing and concur in such action.

In addition there is a provision that has not yet been used at least in this county whereas the governing body of any city can petition to the county for the authority to annex lands not otherwise authorized to be annexed under the provisions of KSA1973 Sup.12-520 (the preceeding a-g conditions). This would include the annexation of lands that might not otherwise fall under the criteria of the acreage rules. A plan for services and the other requirements would still be a part of such proceedings.

Annexation Procedures. The State law does require a number of procedural steps be followed in any annexation except those where the landowner petitions the city and is adjacent thereto. The following steps must be followed:

- 1) the governing body instructs staff to prepare legal description map and plan for services
- 2) a service plan is approved by governing body
- 3) at the same meeting as "2", the governing body would adopt a resolution specifying a hearing date
- 4) a resolution and notice with map are mailed to property owners within 10 days of the adoption of the resolution
- 5) a resolution and map are published in the official newspaper one to two weeks before the hearing
- 6) a public hearing is held not less than 60 nor more than 70 days after the resolution is adopted
- 7) the annexation ordinance may be adopted
- 8) the ordinance is published and takes effect
- 9) property owners may file action in District Court challenging the annexation action within 30 days after publication of annexation ordinance

History of annexation in Wichita. Since its incorporation in 1871 Wichita has grown through annexation and continues to do so yearly. In 1871 Wichita's land area consisted of 0.29 square miles. During its early period the city remained fairly small despite property speculation activities that took place during the 1880's many miles around it and especially to the north. By 1910 Wichita had grown to 3.37 square miles. By 1960 Wichita had expanded its city limits to include 52.92 square miles. It was at this point that Wichita reexamined in its growth program and embarked on its "One Wichita" program which provided extensive annexation in the early 1960's. In this time period, Wichita annexed another 28.58 square miles and since that time has grown to over 100 square miles of land area. Rather interestingly most of Wichita's annexation since World War II has occurred in those areas served by the expansion of major water and sewer lines. Since 1971, the city has continued to annex property at an average rate of 1.36 square miles per year. Between 1971 and 1975, 7.42 square miles were annexed and between 1976 and 1979, 4.78 square miles had been annexed. The table following and the map show the annexations which have taken place between the years 1870 and 1979.

GROWTH OF WICHITA LAND AREA  
1970 - 1979

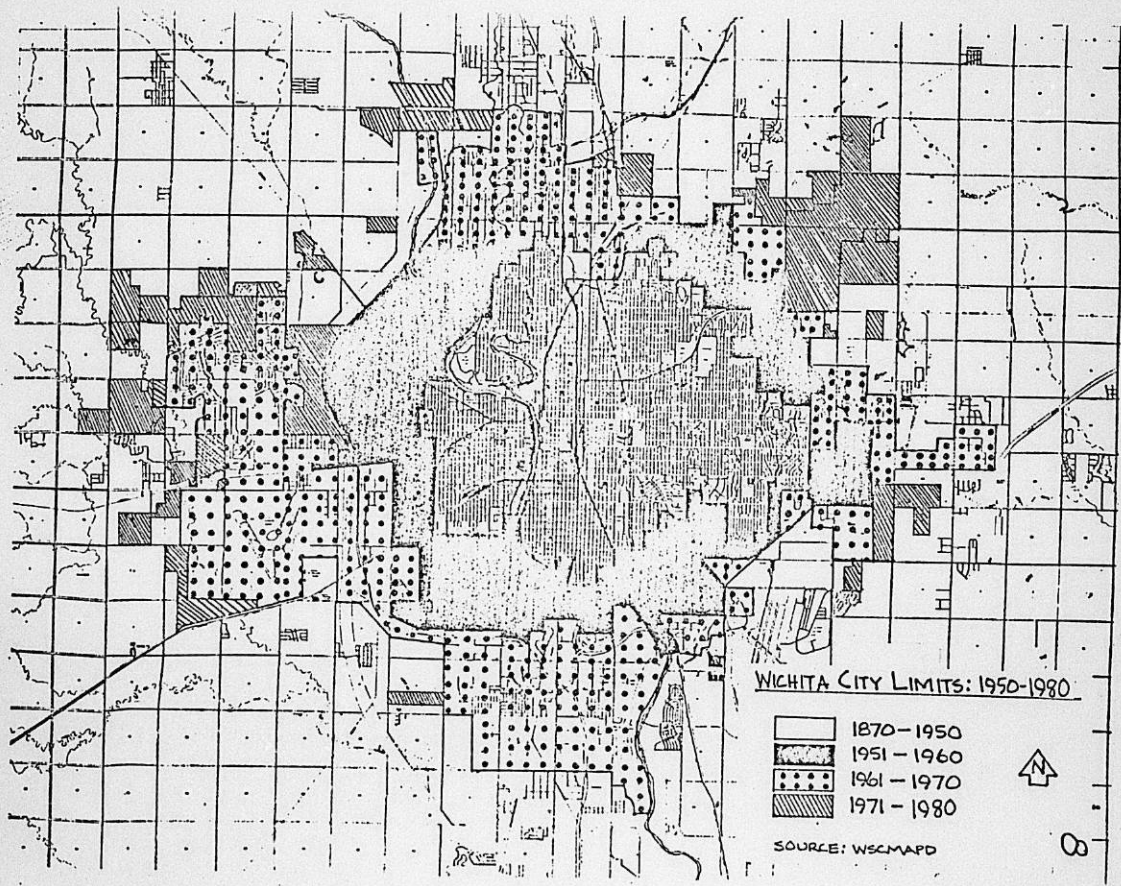
<u>Years</u>	<u>Annexed Land</u>	<u>Total Square Miles Of City (12/31/79)</u>
1871-1910	3.08	3.37
1910-1920	15.52	18.89
1920-1940	1.67	20.56
1940-1950	5.93	26.49
1951-1955	19.02	45.55
1956-1960	7.37	52.92
1961-1965	28.58	81.5
1966-1970	7.7	89.2
1971-1975	7.42	96.62
1976	.53	97.15
1977	1.0	98.15
1978	1.42	99.57
1979	1.83	101.40

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Source: MAPD, Current Plans Division, 1979

Wichita is not alone in annexation. Kansas Municipalities with population of over 2500 annexed a total of 187.7 square miles between 1970 and 1978. In 1978 annexations alone totaled 8.3 square miles. Of these, Wichita represented 17% of all annexations in the State. In rank order against the 50 states Kansas ranked 19th in land area annex between 70 and 78 and 30th in 1979.

Annexation in Relation to Comprehensive Plans. Basically Wichita's growth pattern has followed the comprehensive plan as expressed in several adopted plan elements. The general growth patterns for the Wichita area have been set forth in several reports. Probably the most significant report was the year 2000 sewer plan adopted in 1970. Earlier reports including the 1960 One-Wichita, the 1964 Transportation Plan, and the more recent Park and Open Space Plan and Water Plan show a general growth area for the City of Wichita. The essential area for that growth is along the Transportation axis particularly to the west and to the east with significant growth to the northeast. Moderate amounts of fill-in growth are also shown towards the north and to the south. These reports as well as showing growth for the City of Wichita, also suggest growth patterns for the smaller cities within the city and the improvement districts. Just as Wichita is projected to grow, so are the areas around Haysville, Derby, Valley Center, Park City, Goddard and others.

Three cooperative efforts have been undertaken recently to



WICHITA CITY LIMITS: 1950-1980

- 1870-1950
- 1951-1960
- 1961-1970
- 1971-1980

SOURCE: WSCMAPD



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determine the most efficient way for sewer services to be provided for growth areas. The first of these is the Four Mile Creek Area to the east in which Sedgwick County has established a sewer district and the City of Wichita is providing water services. The second of these is a study to determine the most cost effective method of providing sewage treatment in the area between Wichita and the Improvement District of Park City. The third area currently underway is the Cowskin Intercept Study for the west side and the updating of the year 2000 sewer plan. The Cowskin area, much of which lies within the City of Wichita, also has extensive areas outside the City of Wichita calling for a cooperative study for determination of how best to serve this area.

As indicated above, a number of plan elements have been adopted by the Metropolitan Area Planning Commission. The land use element which does speak specifically to growth areas, was adopted by the MAPC in 1978. The water plan also adopted by the Planning Commission shows growth derived from the patterns established in the land use plan. The adopted water plan establishes a need for well engineered, reliable water system both for quality urban living and for fire protection purposes. These plans propose compact growth adjacent to and contiguous to the existing Wichita urban area. Although not precise to each individual parcel, these plans are clear and concise enough to establish areas for urban services. This plan specifically was used by the City of Wichita in establishing the areas in which it would authorize the extension of water services outside the City subject to annexation agreements. This policy was established in early 1980. The land use plan supports an orderly growth pattern including infill of the existing city as well as expanded growth in selected areas at the edge. It is significant that this is a selective growth plan and is not one which would promote annexation in a "willie-nillie" fashion throughout the area and giving rise to what is known as urban sprawl. The possibility that projected directions of growth can be blocked makes the effectuation of such plans difficult and may potentially create problems related to acceptance by federal agencies who assist in financing these developments unless the local units of government have the capacity for carrying out the plans as adopted.

Transfer of Functions - Intergovernmental Agreements. One of the easiest alternatives to accomplish in restructuring local government is the transfer of a function to another unit of government which may have a better geographic base or financing base. Also the contracting of services is a popular way of handling service needs particularly in the California area and more specifically in the widely metropolitanized area of Los Angeles and San Francisco. There appears to be a tendency for larger units of government to enter into service agreements. The factor most often effecting the desirability of entering in such agreements is to achieve economies of scale in the provisions of services. The factor most inhibiting is probably the fear that the independence of action of the contracting agencies will be limited by such contracting.

The contracting device serves as an alternate to formal and more permanent transfers in that it allows the 1st unit of government to take back the function should it for any reason be dissatisfied. This process does not however deal effectively with placing the function with the most efficient and most equitable tax base unit. It has been common in many central cities to be somewhat reticent to extend water supply and sewer lines to suburban communities for fear that the exodus of citizens in business firms to the suburbs will be accelerated if they acquire the central city services.

Some observers to the reform of local government view that the use of large numbers of agreements is a desultory approach to the solution of service problems and it complicates the local governmental system making it even less responsive to the needs and wishes to the citizens. However, there is also a suggestion that unless local units of government gain experience and enter local service agreements, they may never arrive at the level of comfort which will permit a more fundamental type of collaborative endeavor. On the positive side, this has been a fairly popular arrangement, because it is pragmatic, it is piecemeal, it is permissive and not mandated and has had a minimal disruptive impact on the structure of local governments. On the other hand, it seems that most of the intergovernmental contracting or cooperation has occurred for those activities which provide the solution of relatively minor and fairly noncontroversial problems. The positive and negative side of this approach is that it is incremental.

Urban Counties - the development of urban counties is gaining greater attention throughout the United States. A recent article in the Wall Street Journal describes some of the current development in this area. Counties indeed have much to offer primarily because most often a county has the requisite geographic scope (particularly in single county SMSA's) to deal effectively with most urban problem. Even in an area like Wichita-Sedgwick County where the SMSA includes Butler County, Sedgwick County essentially contains the bulk of the urbanizing area minus Andover and Rose Hill. Similarly it should be noted that in every successful major metropolitan reorganization (excepting Minneapolis-St. Paul) there has been involved a single restructured county. Also the ability to provide a wide based tax support favor urban counties. The county has traditionally been the administrative agent for the state and only in more recent years has it begun to assume the responsibility for functions that cities have often performed. An urban county differs from old form counties primarily in its role of providing more urban services as a basic responsibility. This role is most often created by legislative edict or by voter approval of a special "charter" enlarging the power of the county.

The treatment of urban counties has been different in different areas where the county would assume governmental functions for area wide activities, while local functions which are single jurisdiction

in scope could be continued to be handled by the municipalities. In some areas there is still the question of whether or not the county should perform the services only in the unincorporated areas or on a county wide basis. In Kansas, Johnson County functions as an Urban County, although probably not to the degree that is thought of in the various papers on this subject. There was an attempt in 1976 to adopt a new county charter expanding the County role. It was narrowly defeated. There is currently in the legislature a bill for Wyandotte County which would make it more urban.

There is a wide range of possibilities among the examples as to what functions go county wide and what stays within the municipality. The typical area wide activities are mass transit, airport, education, solid waste disposal, sewage and sewage disposal, air pollution, water pollution control, water supply and highways. Other examples included fire, libraries, areawide Planning, areawide parks and recreation systems, special police services and redevelopment functions. Although much of the literature includes Dade county as a sole example of an urban county with a two tier service level, most people consider Miami-Dade County as a city-county consolidation. Some of the same problems of reorganizing at an urban county level also exists for the consolidations. Issues of fair representation between urban and rural populations, minorities and non-minorities and the professionalism of county government have been the issues in the past. Sedgwick County has in the last several years increased its professional capacity.

Consolidation. City-county consolidation has also been an increasing popular way to resolve metropolitan problems. Again, there have been all levels of such mergers including complete mergers under a new government which would be the most far reaching approach. Also a fairly common process exists where the city and the county join but many of the smaller jurisdictions remain as freestanding municipalities. Consolidation really falls into two classes. Those mandated by the states in the early 1900's i.e. Denver, St. Louis and New York have largely outlived their usefulness. They are now enclaved and face the same problems as many other old cities. The newer consolidations began in the 1960's and are still happening. Consolidation referendums are apparently taking place at a more rapid rate with some having been legislated by the state (Indianapolis). About 20% of the referendums held since 1969 have passed (10 of 51). Contributing factors identified have been the increase in federal regional coordination requirements such as related to grant and aide fundings on water, sewer, air pollution, etc. Federal court decisions concerning the equitable distribution of services over the metropolitan areas including housing and fiscal restraints which force localities to reconsider what were in the past at least politically unacceptable alternatives.

The main advantages in consolidations lie in providing a unified coordinated program of service development and a control

over an area that was previously served by a city and a county. Its goal is to simplify governmental structure thereby consolidating responsibility, eliminating duplication and better utilizing resources. The more significant problems that exist in consolidation is the tremendous amount of compromise needed to find an acceptable level of agreements. Usually these consolidations have occurred only where there is a fairly good rapport between the involved local units of government. Contributing significantly to the failure of consolidation effort is the inability to show that cost will be reduced, the dilution of minority voting patterns with the new unit of government and the fear of loss or control as the government goes up one tier and is larger in size. The suburban and rural interests have also shown the same fear and anxieties that minorities have towards loss or dilution of their power.

Federation. Very few examples of true federation exist with the most successful one being Toronto. Toronto reorganized itself into a two tiered layer of government with the municipalities retaining some local controls over services while the area wide controls go to the metropolitan level of government. The Metropolitan, or second tier of government is basically composed of representatives of the first tier. Other forms have been created including a most interesting Minneapolis-St. Paul Metropolitan Council. Created by the State of appointive members, it exercises strong planning controls and control over utility extensions and planning. Other experiments exist such as special districts like Puget Sound and Portland where area wide services are provided by a second tier government.

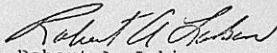
#### Summary

There are at least five major avenues to providing for services and resolving problems in metropolitan areas. They include annexation, development of urban counties, the use of contracting and/or transfer of functions, consolidation and federation. Annexation and transfer of powers and inter-governmental contracting do provide incremental and short range benefits. It would appear however that over the long haul a more basic need exists in terms of meeting the four criteria established by ACIR. It would be beneficial and indeed possible, if local governments are willing to examine the issue and are willing to set specific goals and establish their own criteria to undertake a more fundamental relook at the structuring of local government. As with any endeavor of this type, it would need strong leadership from the several segments of the community, a thoughtful and considered examination of the alternatives available for such restructuring, and a strong informational and information program within the community to communicate the goals, objectives, findings and proposed solutions.

Conclusion

It is my judgment that without a significant commitment for restructuring such as the development of consolidation and/or an urban county that it is within the best interest of the City of Wichita to continue with its annexation programs to protect its ability to grow. If at such time there are firm commitments made toward an urban county or consolidation, etc., then the annexation issue largely becomes moot.

In the event there are additional incorporations which preclude growth by the City of Wichita there will then be created, in my judgment, even greater pressures toward resolving the issue of financing and service equities. In fact such acts, if they should occur, indeed will force the day to when serious consideration will have to be given to basic restructuring of local government.

  
Robert A. Lakin  
Director of Planning

cc: Board of City Commissioners  
Board of County Commissioners  
Metropolitan Area Planning Commissioners

WICHITA-SEDGWICK COUNTY

DATE  
September 2, 1980

METROPOLITAN AREA PLANNING DEPARTMENT

TO E. H. Denton, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Managing Growth

The growth of any urbanizing area presents a number of problems. These are not new nor unique to the Wichita-Sedgwick County area. However this area by fortune of its past development (past policies and quality) is in a generally unique position to examine its future and make rational decisions about where and how its future is to be determined.

Problems most often identified with urban growth are:

- 1) flight of higher income residents and businesses to the fringe;
- 2) proliferation of special districts and units of government;
- 3) the inequities and diseconomies involved in central city financing of area services;
- 4) the coordination and timeliness of providing services;
- 5) service disparities;
- 6) inability to cope with areawide problems;
- 7) the decline of the tax base of the central cities;

These problems seem to have been handled differently by different communities and in different parts of the country. The result has been a search for a more efficient mechanism to deal with these problems including the restructuring of local government. Failure to deal effectively with these problems often has resulted in federal or state intervention. Examples of intervention have been in hazardous waste regulations, water and air quality regulations, intervention in the housing market and many, many more.

Restructuring of local government

Looking at the issue of restructuring local government, there has been much written on the subject. However, most of this writing has been done during the early 70's and not much has been done in recent years. The more significant body of writing on restructuring local government has been produced by

the Advisory Commission on Intergovernmental Relations (ACIR). This is a federally sponsored organization and was created by President Eisenhower in 1959. It contains as members, representatives of House, the Senate, officers of the executive branches of the Federal Government, Governors, Mayors, elected county officials and state legislative leaders as well as private citizens. It is a small but highly respected group of people who have examined in depth issues of governmental reorganization. A series of volumes have been published on this subject and are available for more extensive reading.

Although everyone probably has their own list of urban problems, the ones listed earlier are reasonably representative of problems identified in studies done in this area. The more common methods of trying to deal with these problems have been restructuring of local government in one of several ways. Included in these ways is (1) annexation, (2) the development of urban counties; (3) the use of contractual arrangements and/or the transfer of functions; (4) consolidation; and (5) the use of federated forms of government. Each of these have certain pluses and minuses and whole volumes have been written on the subjects which make it impossible to completely summarize in this paper. The ACIR did however, attempt to develop some criteria by which to evaluate the various alternatives that might be considered in reorganizing or restructuring local government. A summary of these criteria is as follows:

- "1. Economic Efficiency: Functions should be assigned (a) to jurisdictions large enough to realize economies of scale and small enough not to incur diseconomies of scale, (b) to jurisdictions willing to provide alternative service offerings to their citizens and to provide these public services within a price range and level of effectiveness acceptable to local citizenry, and (c) to jurisdictions that adopt pricing policies for appropriate functions whenever possible.
- "2. Equity: Functions should be assigned (a) to jurisdictions large enough to encompass the cost and benefits of a function or willing to compensate other jurisdictions for the service costs imposed or benefits received by them, and (b) to jurisdictions that have adequate fiscal capacity to finance their public service responsibilities and that are willing to implement measures that insure interpersonal and interjurisdictional equity in the performance of a function.
- "3. Political Accountability: Functions should be assigned (a) to jurisdictions controllable by, accessible to, and accountable to their residents in the performance of their public service responsibilities, and (b) to

jurisdictions that maximize the conditions and opportunities for active and productive citizen participation in the performance of a function.

- "4. Administrative Effectiveness: Functions should be assigned (a) to jurisdictions that are responsible for a wide variety of functions and so can balance competing functional interests, (b) to jurisdictions that encompass a geographic area adequate for effective performance of a function, (c) to jurisdictions that explicitly determine the goals and means of discharging public service responsibilities and that periodically reassess program goals in light of performance standards, (d) to jurisdictions willing to pursue intergovernmental means of promoting interlocal functional cooperation and reducing interlocal functional conflict, and (e) to jurisdictions with adequate legal authority to perform a function and to rely on this authority in administering the function."

In looking at the criteria for dealing with problems in metropolitan areas, less traditional ways are also being looked at with greater frequency. In addition to annexation, ways often looked at are city-county consolidations, transfer of functions and intergovernmental agreements, the urban county and the federation of local governments. Much has been written on these subjects. In each of these configurations the process of transferring functions or consolidation tend to blend with the actions of another activity such as development of an urban county and/or consolidation. The implementation of these types of proposals in various local units of government tend to vary significantly in each specific location. It is significant that many of the areas which have considered these other alternatives are also areas which have been foreclosed from annexation either by state law or by physical constraints.

Annexation - Although not often thought of as a restructuring of local government, annexation is precisely just that. Each annexation effects the corporate "charter" by expanding its geographic boundaries, adds new members to the corporation and expands both its responsibilities and its financial base. The act of annexation also, is a step to protect its future ability to grow. It is practiced by the big (Houston), the medium (Oklahoma City, Tulsa, Wichita) and the smaller cities (Derby and Haysville).

Annexation as a process is practiced most by cities in mid-central, the south and the west. For decades, older cities in the East have been precluded from annexing due to incorporations which have ringed them or by the existence of towns which perform many of the urban functions and freeze city boundaries. Many cities have been closed off from growth due to their inability to annex.

As an answer to growth problems, annexation has certain advantages. Some of these are that it:

- 1) More equitably spreads the cost of government borne by the Central City. Small fringe areas do not generate demands for major facilities, i.e. Kelloggs, Rock Roads, Pawnee Prairie and Chisolm Creek Semi Regional parks, Century II, nor for general overhead items such as a City Manager, Economic Development, Planning, police labs, computers, etc.), but collectively with other such areas and the center city, they bring about the need for the central city to undertake them. Failure by the central city to provide these areas with tangible services and the intangible services would visually show up in the quality of life not only for center city but for the fringe areas as well. What would life at the fringe be if Wichita did not maintain the level of police and recreation services for the existing city? Area wide services such as the Library, Art Museum & Parks & industrial development provide general benefits to the entire area. By annexing, especially the upper-middle residential, business and industry, those costs are more fairly supported. Essentially growing cities are more healthy than those who are not.
- 2) Assists in the coordination and provision of services. Without the geographic area under a single jurisdiction, actions such as provision of sewer and streets become more difficult. Problems in having multiple jurisdictions, exist in the timing of services, in legally initiating projects, in recovering costs from those who will benefit in the future but are not in the City do not participate in the financing of facilities and services. As a single example road construction where one-half is in one city and one-half is in another jurisdiction, presents real and practical problems. It took years with Eastborough, Wichita and the County to pave Woodlawn.
- 3) Provides room for future growth and allows the City to plan for services such as arterials, sewer, water, fire station, etc. If the city cannot grow out, the alternatives are non-growth or upward growth. Wichita has little area to infill. Greater densities on "up" are o.k. but may mean congestion and other problems. No growth means no way to renew an aging physical plant. Similarly social/economic problems generally increase with a city's age.
- 4) Allows services to be provided at a lower cost.

This however is debatable. As the city gets bigger, its overhead goes up and more specialized services are offered. On the other hand, capital intensive items like water treatment plants, water sources, and sewage treatment plants provide increased efficiency and costs are usually lowered. The issue of costs is more properly an issue of what services are paid for. This is the basic fringe area problem in that they do not normally want to "buy" the level or range of services existing in the Central City.

- 5) Raises the City's image in terms of marketing. Cities are generally ranked on size. It is important in marketing and economic development.
- 6) Reclaims community leadership. Annexation brings into the corporate fold many who could and should serve on advisory boards and even those who would run for office in the city. As decisions and policies made by the City affect those on the fringe, they should be in and a part of it. Even though people live on the fringe when they vacation or travel on business, they are from Wichita not Bel Aire or the Trees.
- 7) Preserves the tax base. This is closely related to No. 1. Even with a reduced reliance on the ad valorem tax, revenues will be generated either on income, sales tax, or the redistribution of state and federal taxes (such as gas tax and revenue sharing), all of which will be identified on the geographic site it generated from. It is therefore important to keep the tax base growing.
- 8) Provides a way to assume control of areas that have deficiencies in services or control, and which may be creating negative spillovers such as social problems or crime.
- 9) Can offset some of the fleeing to the fringe. If the idea of leaving the central city is negated, then the choice to relocate becomes one of "moving costs" rather than the cost of housing.
- 10) Provides for a better utilization of existing services and capital investment. This is especially true in Wichita where water treatment, distribution systems and sewer systems have been sized for growth. If the growth does not occur and duplicate facilities are built by others, the total cost of development will go up.

People historically object to annexation unless they are in dire straights for basic public services like water and sewer. There are several reasons. They are:

- 1) Taxes will increase. At the present people on the fringe buy their services selectively and do not take a full service package like Wichita. Even when promised "better" service such as police, they don't believe it or say they don't need or want it. As long as the arcawide services are there, there is no overcoming these arguments about the selective buying of services and remaining a non-resident of the City. Few would live where they do if Wichita did not exist as a central city. An example of taxes based on 1980 budgets: Bel Aire paid 77.308 mills vs. Wichita 104.360. A 27,052 mill difference or 35% increase. On a \$50M home assessed at 10% value the tax bill will increase 135.26 a year from \$386.54 to \$521.80.

As a Virginia appellate court so pointedly put the matter:

"It is no answer to an annexation proceeding to assert that individual residents of the county do not need or desire the governmental services rendered by the city. A county resident may be willing to take a chance on police, fire and health protection and even tolerate inadequacy of sewer, water and garbage collection service. As long as he lives in an isolated situation his desire for lesser services and cheaper government may be acquiesced in with complacency, but when the movement of population has made him a part of a compact urban community, his individual preferences can no longer be permitted to prevail. It is not so much that he needs the city government as it is that the area in which he lives needs it."

The Kansas League of Municipalities annexation manual uses the following analogy:

"When the owner of the hot dog stand adjoining the city resists city annexation and asserts he does not need the city, what is he really saying? He is saying, 'I already have the benefits of the city's population density with its hundreds of hot dog lovers. I have the benefits of city streets providing access to the doorstep of my business. I have the benefits of all the city rules and regulations which in spite of their restrictive nature make the city a more agreeable place for all my hot dog lovers to

stay together. I just don't want any of the burdens that go with such benefits that hot dog stand owners have within the city.'

The unreasonableness of such a position requires no answer. Nor can it be asserted that because the adjoining land does not presently contain a hot dog stand the city has no justification in annexing it. The very fact the city exists in close proximity often changes the value and use of land from rural to urban. Why must the city wait until the hot dog stand is built?"

- 2) A loss of identity and sense of control they feel they have as an improvement district or small city (629 Dwelling Units - 2166 people). As a 100% of 2166 vs. 1% of 272M, they are more at ease with controlling their own destiny.
- 3) A feeling that fringe areas don't want the burden of Wichita's social problems, minorities, poor and crime. If they are in the City they will inherit some of it in their area.
- 4) Fringe areas, immediately following their incorporation, frequently require higher capital outlays than do older part of the city. This involves connecting streets and utilities to the city network and upgrading facilities. This is true in some of the older developed areas, but in the newer areas, standards match that of the City and should not be impactive in this regard.
- 5) Further, there is a question of whether there is an overall increase benefit due to economies of scale. Studies have shown that as cities grow larger, cost/capita increase. This has been directed largely to human service systems like police, welfare, etc. This is caused by additional hierarchical structure and higher salaries paid to employees of larger organizations. However this is often offset by economies of scale for capital/commodity intensive services like water, sewer, streets and similar services.

In summary, annexation is one way to restructure local government to more fairly distribute costs and to provide for a single unit in making policy. It has weaknesses due to the inability to get all of the area that is urbanized in the Metro area (such as Crestview and Timber Lake--a matter of timing and development of inbetween tracts). Also sooner or later you run into the older cities (Haysville, Goddard, Kechi, Andover) and this will ultimately block

growth. However this is a 2-way street as they too have a need and right to grow and in some directions, Wichita blocks them. Due to amount of growth required to bring this to pass, it maybe decades away in most instances. It is here that a more extensive re-examination of the role of local government could be fruitful (i.e. consolidation, urban country, etc.).

Legal Aspects of Annexation. Kansas has had until 1974 rather liberal annexation laws. Up to that time a city had only to follow the rules of what tracts could be annexed and pass an ordinance. Annexation wars in the Kansas City area produced the need to provide more structure as to when and how annexation could take place. The Kansas legislature has tightened the laws by reducing the size of tracts involved, excluded tracts over 55 acres used only for agriculture unless agreed to by the owner, required a public hearing, required a plan for services and allowing parties of interest to sue if they felt the law has not been followed. Land touching the city can be annexed when petitioned for by the owner without the plan for services and public hearing. Most of Wichita's annexations have followed this procedure during the last 5 or 6 years.

The State law now provides that annexation can occur when (a) the land is platted and some part of such land adjoins the city (b) the land is owned by or held in trust by for the city or any agency thereof (c) the land adjoins the city and is owned by or held in trust for any governmental unit other than another city (d) the land lies within or mainly within the city and has a common perimeter of the city boundary lines of more than 50% (e) the land if annexed will make the boundary line straight or harmonious in some part thereof adjoins the city except that no land in excess of 20 acres shall be annexed for this purpose (f) the land is so situated that 2/3 of any boundary adjoins the city except that no tract in excess of 20 acres shall be annexed under this condition (g) the land adjoins the city and a written petition for or consent to annexation is filed with the city by the owners. The city is precluded from annexing land and 55 acres or larger which is used only for agricultural purposes without the consent of the owner and is also prohibited from annexing down a highway in order to annex other lands. There is also a provision that land not adjoining the city can be annexed when it is petitioned by the land owner and after the Board of County Commissioners have held a public hearing and concur in such action.

In addition there is a provision that has not yet been used at least in this county whereas the governing body of any city can petition to the county for the authority to annex lands not otherwise authorized to be annexed under the provisions of KSA1973 Sup.12-520 (the preceding a-g conditions). This would include the annexation of lands that might not otherwise fall under the criteria of the acreage rules. A plan for services and the other requirements would still be a part of such proceedings.

Annexation Procedures. The State law does require a number of procedural steps be followed in any annexation except those where the landowner petitions the city and is adjacent thereto. The following steps must be followed:

- 1) the governing body instructs staff to prepare legal description map and plan for services
- 2) a service plan is approved by governing body
- 3) at the same meeting as "2", the governing body would adopt a resolution specifying a hearing date
- 4) a resolution and notice with map are mailed to property owners within 10 days of the adoption of the resolution
- 5) a resolution and map are published in the official newspaper one to two weeks before the hearing
- 6) a public hearing is held not less than 60 nor more than 70 days after the resolution is adopted
- 7) the annexation ordinance may be adopted
- 8) the ordinance is published and takes effect
- 9) property owners may file action in District Court challenging the annexation action within 30 days after publication of annexation ordinance

History of annexation in Wichita. Since its incorporation in 1871 Wichita has grown through annexation and continues to do so yearly. In 1871 Wichita's land area consisted of 0.29 square miles. During its early period the city remained fairly small despite property speculation activities that took place during the 1880's many miles around it and especially to the north. By 1910 Wichita had grown to 3.37 square miles. By 1960 Wichita had expanded its city limits to include 52.92 square miles. It was at this point that Wichita reexamined in its growth program and embarked on its "One Wichita" program which provided extensive annexation in the early 1960's. In this time period, Wichita annexed another 28.58 square miles and since that time has grown to over 100 square miles of land area. Rather interestingly most of Wichita's annexation since World War II has occurred in those areas served by the expansion of major water and sewer lines. Since 1971, the city has continued to annex property at an average rate of 1.36 square miles per year. Between 1971 and 1975, 7.42 square miles were annexed and between 1976 and 1979, 4.78 square miles had been annexed. The table following and the map show the annexations which have taken place between the years 1870 and 1979.

GROWTH OF WICHITA LAND AREA  
1970 - 1979

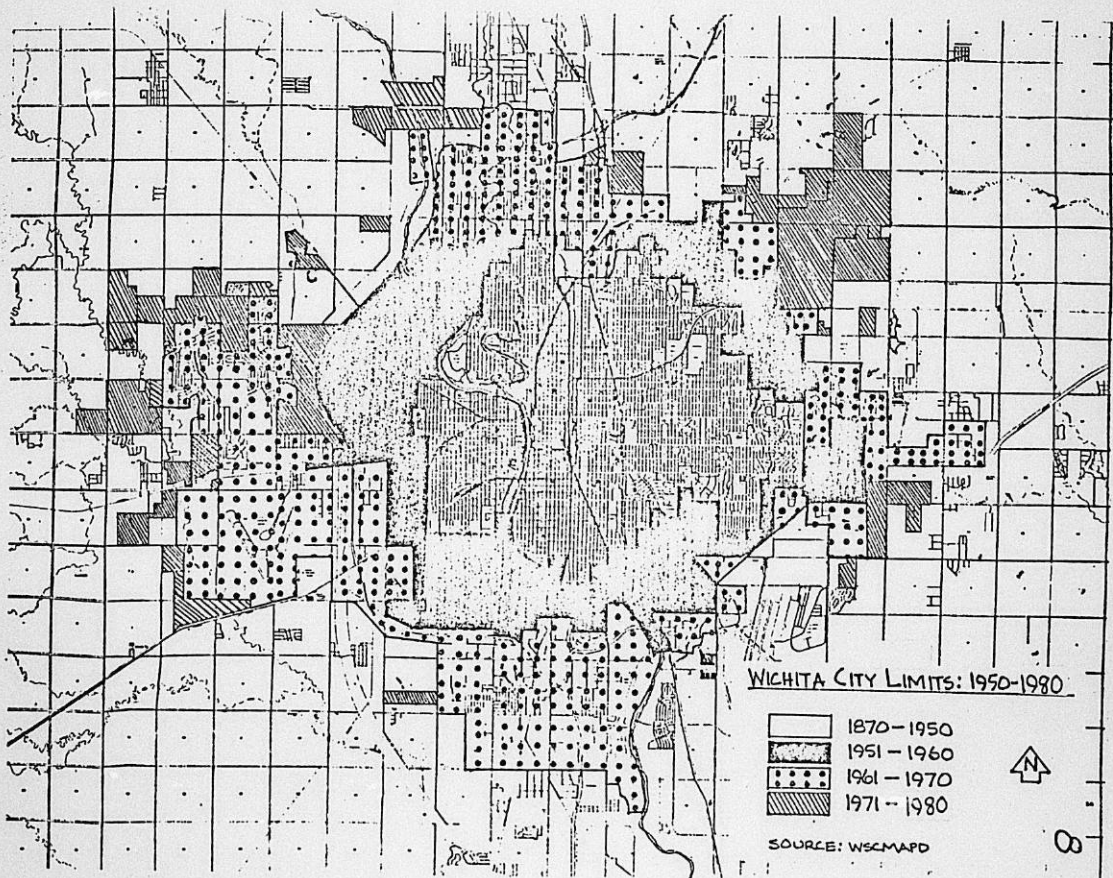
<u>Years</u>	<u>Annexed Land</u>	<u>Total Square Miles Of City (12/31/79)</u>
1871-1910	3.08	3.37
1910-1920	15.52	18.89
1920-1940	1.67	20.56
1940-1950	5.93	26.49
1951-1955	19.02	45.55
1956-1960	7.37	52.92
1961-1965	28.58	81.5
1966-1970	7.7	89.2
1971-1975	7.42	96.62
1976	.53	97.15
1977	1.0	98.15
1978	1.42	99.57
1979	1.83	101.40

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Source: MAPD, Current Plans Division, 1979

Wichita is not alone in annexation. Kansas Municipalities with population of over 2500 annexed a total of 187.7 square miles between 1970 and 1978. In 1978 annexations alone totaled 8.3 square miles. Of these, Wichita represented 17% of all annexations in the State. In rank order against the 50 states Kansas ranked 19th in land area annex between 70 and 78 and 30th in 1979.

Annexation in Relation to Comprehensive Plans. Basically Wichita's growth pattern has followed the comprehensive plan as expressed in several adopted plan elements. The general growth patterns for the Wichita area have been set forth in several reports. Probably the most significant report was the year 2000 sewer plan adopted in 1970. Earlier reports including the 1960 One-Wichita, the 1964 Transportation Plan, and the more recent Park and Open Space Plan and Water Plan show a general growth area for the City of Wichita. The essential area for that growth is along the Transportation axis particularly to the west and to the east with significant growth to the northeast. Moderate amounts of fill-in growth are also shown towards the north and to the south. These reports as well as showing growth for the City of Wichita, also suggest growth patterns for the smaller cities within the city and the improvement districts. Just as Wichita is projected to grow, so are the areas around Haysville, Derby, Valley Center, Park City, Goddard and others.

Three cooperative efforts have been undertaken recently to



determine the most efficient way for sewer services to be provided for growth areas. The first of these is the Four Mile Creek Area to the east in which Sedgwick County has established a sewer district and the City of Wichita is providing water services. The second of these is a study to determine the most cost effective method of providing sewage treatment in the area between Wichita and the Improvement District of Park City. The third area currently underway is the Cowskin Intercept Study for the west side and the updating of the year 2000 sewer plan. The Cowskin area, much of which lies within the City of Wichita, also has extensive areas outside the City of Wichita calling for a cooperative study for determination of how best to serve this area.

As indicated above, a number of plan elements have been adopted by the Metropolitan Area Planning Commission. The land use element which does speak specifically to growth areas, was adopted by the MAPC in 1978. The water plan also adopted by the Planning Commission shows growth derived from the patterns established in the land use plan. The adopted water plan establishes a need for well engineered, reliable water system both for quality urban living and for fire protection purposes. These plans propose compact growth adjacent to and contiguous to the existing Wichita urban area. Although not precise to each individual parcel, these plans are clear and concise enough to establish areas for urban services. This plan specifically was used by the City of Wichita in establishing the areas in which it would authorize the extension of water services outside the City subject to annexation agreements. This policy was established in early 1980. The land use plan supports an orderly growth pattern including infill of the existing city as well as expanded growth in selected areas at the edge. It is significant that this is a selective growth plan and is not one which would promote annexation in a "willie-nillie" fashion throughout the area and giving rise to what is known as urban sprawl. The possibility that projected directions of growth can be blocked makes the effectuation of such plans difficult and may potentially create problems related to acceptance by federal agencies who assist in financing these developments unless the local units of government have the capacity for carrying out the plans as adopted.

Transfer of Functions - Intergovernmental Agreements. one of the easiest alternatives to accomplish in restructuring local government is the transfer of a function to another unit of government which may have a better geographic base or financing base. Also the contracting of services is a popular way of handling service needs particularly in the California area and more specifically in the widely metropolitanized area of Los Angeles and San Francisco. There appears to be a tendency for larger units of government to enter into service agreements. The factor most often effecting the desirability of entering in such agreements is to achieve economies of scale in the provisions of services. The factor most inhibiting is probably the fear that the independence of action of the contracting agencies will be limited by such contracting.

The contracting device serves as an alternate to formal and more permanent transfers in that it allows the 1st unit of government to take back the function should it for any reason be dissatisfied. This process does not however deal effectively with placing the function with the most efficient and most equitable tax base unit. It has been common in many central cities to be somewhat reticent to extend water supply and sewer lines to suburban communities for fear that the exodus of citizens in business firms to the suburbs will be accelerated if they acquire the central city services.

Some observers to the reform of local government view that the use of large numbers of agreements is a desultory approach to the solution of service problems and it complicates the local governmental system making it even less responsive to the needs and wishes to the citizens. However, there is also a suggestion that unless local units of government gain experience and enter local service agreements, they may never arrive at the level of comfort which will permit a more fundamental type of collaborative endeavor. On the positive side, this has been a fairly popular arrangement, because it is pragmatic, it is piecemeal, it is permissive and not mandated and has had a minimal disruptive impact on the structure of local governments. On the other hand, it seems that most of the intergovernmental contracting or cooperation has occurred for those activities which provide the solution of relatively minor and fairly noncontroversial problems. The positive and negative side of this approach is that it is incremental.

Urban Counties - the development of urban counties is gaining greater attention throughout the United States. A recent article in the Wall Street Journal describes some of the current development in this area. Counties indeed have much to offer primarily because most often a county has the requisite geographic scope (particularly in single county SMSA's) to deal effectively with most urban problem. Even in an area like Wichita-Sedgwick County where the SMSA includes Butler County, Sedgwick County essentially contains the bulk of the urbanizing area minus Andover and Rose Hill. Similarly it should be noted that in every successful major metropolitan reorganization (excepting Minneapolis-St. Paul) there has been involved a single restructured county. Also the ability to provide a wide based tax support favor urban counties. The county has traditionally been the administrative agent for the state and only in more recent years has it begun to assume the responsibility for functions that cities have often performed. An urban county differs from old form counties primarily in its role of providing more urban services as a basic responsibility. This role is most often created by legislative edict or by voter approval of a special "charter" enlarging the power of the county.

The treatment of urban counties has been different in different areas where the county would assume governmental functions for area wide activities, while local functions which are single jurisdiction

in scope could be continued to be handled by the municipalities. In some areas there is still the question of whether or not the county should perform the services only in the unincorporated areas or on a county wide basis. In Kansas, Johnson County functions as an Urban County, although probably not to the degree that is thought of in the various papers on this subject. There was an attempt in 1976 to adopt a new county charter expanding the County role. It was narrowly defeated. There is currently in the legislature a bill for Wyandotte County which would make it more urban.

There is a wide range of possibilities among the examples as to what functions go county wide and what stays within the municipality. The typical area wide activities are mass transit, airport, education, solid waste disposal, sewage and sewage disposal, air pollution, water pollution control, water supply and highways. Other examples included fire, libraries, areawide Planning, areawide parks and recreation systems, special police services and redevelopment functions. Although much of the literature includes Dade county as a sole example of an urban county with a two tier service level, most people consider Miami-Dade County as a city-county consolidation. Some of the same problems of reorganizing at an urban county level also exists for the consolidations. Issues of fair representation between urban and rural populations, minorities and non-minorities and the professionalism of county government have been the issues in the past. Sedgwick County has in the last several years increased its professional capacity.

Consolidation. City-county consolidation has also been an increasing popular way to resolve metropolitan problems. Again, there have been all levels of such mergers including complete mergers under a new government which would be the most far reaching approach. Also a fairly common process exists where the city and the county join but many of the smaller jurisdictions remain as freestanding municipalities. Consolidation really falls into two classes. Those mandated by the states in the early 1900's i.e. Denver, St. Louis and New York have largely outlived their usefulness. They are now enclaved and face the same problems as many other old cities. The newer consolidations began in the 1960's and are still happening. Consolidation referendums are apparently taking place at a more rapid rate with some having been legislated by the state (Indianapolis). About 20% of the referendums held since 1969 have passed (10 of 51). Contributing factors identified have been the increase in federal regional coordination requirements such as related to grant and aide fundings on water, sewer, air pollution, etc. Federal court decisions concerning the equitable distribution of services over the metropolitan areas including housing and fiscal restraints which force localities to reconsider what were in the past at least politically unacceptable alternatives.

The main advantages in consolidations lie in providing a unified coordinated program of service development and a control

over an area that was previously served by a city and a county. Its goal is to simplify governmental structure thereby consolidating responsibility, eliminating duplication and better utilizing resources. The more significant problems that exist in consolidation is the tremendous amount of compromise needed to find an acceptable level of agreements. Usually these consolidations have occurred only where there is a fairly good rapport between the involved local units of government. Contributing significantly to the failure of consolidation effort is the inability to show that cost will be reduced, the dilution of minority voting patterns with the new unit of government and the fear of loss or control as the government goes up one tier and is larger in size. The suburban and rural interests have also shown the same fear and anxieties that minorities have towards loss or dilution of their power.

Federation. Very few examples of true federation exist with the most successful one being Toronto. Toronto reorganized itself into a two tiered layer of government with the municipalities retaining some local controls over services while the area wide controls go to the metropolitan level of government. The Metropolitan, or second tier of government is basically composed of representatives of the first tier. Other forms have been created including a most interesting Minneapolis-St. Paul Metropolitan Council. Created by the State of appointive members, it exercises strong planning controls and control over utility extensions and planning. Other experiments exist such as special districts like Puget Sound and Portland where area wide services are provided by a second tier government.

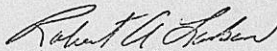
#### Summary

There are at least five major avenues to providing for services and resolving problems in metropolitan areas. They include annexation, development of urban counties, the use of contracting and/or transfer of functions, consolidation and federation. Annexation and transfer of powers and inter-governmental contracting do provide incremental and short range benefits. It would appear however that over the long haul a more basic need exists in terms of meeting the four criteria established by ACIR. It would be beneficial and indeed possible, if local governments are willing to examine the issue and are willing to set specific goals and establish their own criteria to undertake a more fundamental relook at the structuring of local government. As with any endeavor of this type, it would need strong leadership from the several segments of the community, a thoughtful and considered examination of the alternatives available for such restructuring, and a strong informational and information program within the community to communicate the goals, objectives, findings and proposed solutions.

Conclusion

It is my judgment that without a significant commitment for restructuring such as the development of consolidation and/or an urban county that it is within the best interest of the City of Wichita to continue with its annexation programs to protect its ability to grow. If at such time there are firm commitments made toward an urban county or consolidation, etc., then the annexation issue largely becomes moot.

In the event there are additional incorporations which preclude growth by the City of Wichita there will then be created, in my judgment, even greater pressures toward resolving the issue of financing and service equities. In fact such acts, if they should occur, indeed will force the day to when serious consideration will have to be given to basic restructuring of local government.

  
Robert A. Lakin  
Director of Planning

cc: Board of City Commissioners  
Board of County Commissioners  
Metropolitan Area Planning Commissioners

WICHITA-SEDGWICK COUNTY

DATE  
September 2, 1980

METROPOLITAN AREA PLANNING DEPARTMENT

TO E. H. Denton, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Managing Growth

The growth of any urbanizing area presents a number of problems. These are not new nor unique to the Wichita-Sedgwick County area. However this area by fortune of its past development (past policies and quality) is in a generally unique position to examine its future and make rational decisions about where and how its future is to be determined.

Problems most often identified with urban growth are:

- 1) flight of higher income residents and businesses to the fringe;
- 2) proliferation of special districts and units of government;
- 3) the inequities and diseconomies involved in central city financing of area services;
- 4) the coordination and timeliness of providing services;
- 5) service disparities;
- 6) inability to cope with areawide problems;
- 7) the decline of the tax base of the central cities;

These problems seem to have been handled differently by different communities and in different parts of the country. The result has been a search for a more efficient mechanism to deal with these problems including the restructuring of local government. Failure to deal effectively with these problems often has resulted in federal or state intervention. Examples of intervention have been in hazardous waste regulations, water and air quality regulations, intervention in the housing market and many, many more.

#### Restructuring of local government

Looking at the issue of restructuring local government, there has been much written on the subject. However, most of this writing has been done during the early 70's and not much has been done in recent years. The more significant body of writing on restructuring local government has been produced by

the Advisory Commission on Intergovernmental Relations (ACIR). This is a federally sponsored organization and was created by President Eisenhower in 1959. It contains as members, representatives of House, the Senate, officers of the executive branches of the Federal Government, Governors, Mayors, elected county officials and state legislative leaders as well as private citizens. It is a small but highly respected group of people who have examined in depth issues of governmental reorganization. A series of volumes have been published on this subject and are available for more extensive reading.

Although everyone probably has their own list of urban problems, the ones listed earlier are reasonably representative of problems identified in studies done in this area. The more common methods of trying to deal with these problems have been restructuring of local government in one of several ways. Included in these ways is (1) annexation, (2) the development of urban counties; (3) the use of contractual arrangements and/or the transfer of functions; (4) consolidation; and (5) the use of federated forms of government. Each of these have certain pluses and minuses and whole volumes have been written on the subjects which make it impossible to completely summarize in this paper. The ACIR did however, attempt to develop some criteria by which to evaluate the various alternatives that might be considered in reorganizing or restructuring local government. A summary of these criteria is as follows:

- "1. Economic Efficiency: Functions should be assigned (a) to jurisdictions large enough to realize economies of scale and small enough not to incur diseconomies of scale, (b) to jurisdictions willing to provide alternative service offerings to their citizens and to provide these public services within a price range and level of effectiveness acceptable to local citizenry, and (c) to jurisdictions that adopt pricing policies for appropriate functions whenever possible.
- "2. Equity: Functions should be assigned (a) to jurisdictions large enough to encompass the cost and benefits of a function or willing to compensate other jurisdictions for the service costs imposed or benefits received by them, and (b) to jurisdictions that have adequate fiscal capacity to finance their public service responsibilities and that are willing to implement measures that insure interpersonal and interjurisdictional equity in the performance of a function.
- "3. Political Accountability: Functions should be assigned (a) to jurisdictions controllable by, accessible to, and accountable to their residents in the performance of their public service responsibilities, and (b) to

jurisdictions that maximize the conditions and opportunities for active and productive citizen participation in the performance of a function.

- "4. Administrative Effectiveness: Functions should be assigned (a) to jurisdictions that are responsible for a wide variety of functions and so can balance competing functional interests, (b) to jurisdictions that encompass a geographic area adequate for effective performance of a function, (c) to jurisdictions that explicitly determine the goals and means of discharging public service responsibilities and that periodically reassess program goals in light of performance standards, (d) to jurisdictions willing to pursue intergovernmental means of promoting interlocal functional cooperation and reducing interlocal functional conflict, and (e) to jurisdictions with adequate legal authority to perform a function and to rely on this authority in administering the function."

In looking at the criteria for dealing with problems in metropolitan areas, less traditional ways are also being looked at with greater frequency. In addition to annexation, ways often looked at are city-county consolidations, transfer of functions and intergovernmental agreements, the urban county and the federation of local governments. Much has been written on these subjects. In each of these configurations the process of transferring functions or consolidation tend to blend with the actions of another activity such as development of an urban county and/or consolidation. The implementation of these types of proposals in various local units of government tend to vary significantly in each specific location. It is significant that many of the areas which have considered these other alternatives are also areas which have been foreclosed from annexation either by state law or by physical constraints.

Annexation - Although not often thought of as a restructuring of local government, annexation is precisely just that. Each annexation effects the corporate "charter" by expanding its geographic boundaries, adds new members to the corporation and expands both its responsibilities and its financial base. The act of annexation also, is a step to protect its future ability to grow. It is practiced by the big (Houston), the medium (Oklahoma City, Tulsa, Wichita) and the smaller cities (Derby and Haysville).

Annexation as a process is practiced most by cities in mid-central, the south and the west. For decades, older cities in the East have been precluded from annexing due to incorporations which have ringed them or by the existence of towns which perform many of the urban functions and freeze city boundaries. Many cities have been closed off from growth due to their inability to annex.

As an answer to growth problems, annexation has certain advantages. Some of these are that it:

- 1) More equitably spreads the cost of government borne by the Central City. Small fringe areas do not generate demands for major facilities, i.e. Kelloggs, Rock Roads, Pawnee Prairie and Chisolm Creek Semi Regional parks, Century II, nor for general overhead items such as a City Manager, Economic Development, Planning, police labs, computers, etc.), but collectively with other such areas and the center city, they bring about the need for the central city to undertake them. Failure by the central city of provide these areas with tangible services and the intangible services would visually show up in the quality of life not only for center city but for the fringe areas as well. What would life at the fringe be if Wichita did not maintain the level of police and recreation services for the existing city? Area wide services such as the Library, Art Museum & Parks & industrial development provide general benefits to the entire area. By annexing, especially the upper-middle residential, business and industry, those costs are more fairly supported. Essentially growing cities are more healthy than those who are not.
- 2) Assists in the coordination and provision of services. Without the geographic area under a single jurisdiction, actions such as provision of sewer and streets become more difficult. Problems in having multiple jurisdictions, exist in the timing of services, in legally initiating projects, in recovering costs from those who will benefit in the future but are not in the City do not participate in the financing of facilities and services. As a single example road construction where one-half is in one city and one-half is in another jurisdiction, presents real and practical problems. It took years with Eastborough, Wichita and the County to pave Woodlawn.
- 3) Provides room for future growth and allows the City to plan for services such as arterials, sewer, water, fire station, etc. If the city cannot grow out, the alternatives are non-growth or upward growth. Wichita has little area to infill. Greater densities on "up" are o.k. but may mean congestion and other problems. No growth means no way to renew an aging physical plant. Similarly social/economic problems generally increase with a city's age.
- 4) Allows services to be provided at a lower cost.

This however is debatable. As the city gets bigger, its overhead goes up and more specialized services are offered. On the other hand, capital intensive items like water treatment plants, water sources, and sewage treatment plants provide increased efficiency and costs are usually lowered. The issue of costs is more properly an issue of what services are paid for. This is the basic fringe area problem in that they do not normally want to "buy" the level or range of services existing in the Central City.

- 5) Raises the City's image in terms of marketing. Cities are generally ranked on size. It is important in marketing and economic development.
- 6) Reclaims community leadership. Annexation brings into the corporate fold many who could and should serve on advisory boards and even those who would run for office in the city. As decisions and policies made by the City affect those on the fringe, they should be in and a part of it. Even though people live on the fringe when they vacation or travel on business, they are from Wichita not Bel Aire or the Trees.
- 7) Preserves the tax base. This is closely related to No. 1. Even with a reduced reliance on the ad valorem tax, revenues will be generated either on income, sales tax, or the redistribution of state and federal taxes (such as gas tax and revenue sharing), all of which will be identified on the geographic site it generated from. It is therefore important to keep the tax base growing.
- 8) Provides a way to assume control of areas that have deficiencies in services or control, and which may be creating negative spillovers such as social problems or crime.
- 9) Can offset some of the fleeing to the fringe. If the idea of leaving the central city is negated, then the choice to relocate becomes one of "moving costs" rather than the cost of housing.
- 10) Provides for a better utilization of existing services and capital investment. This is especially true in Wichita where water treatment, distribution systems and sewer systems have been sized for growth. If the growth does not occur and duplicate facilities are built by others, the total cost of development will go up.

People historically object to annexation unless they are in dire straights for basic public services like water and sewer. There are several reasons. They are:

- 1) Taxes will increase. At the present people on the fringe buy their services selectively and do not take a full service package like Wichita. Even when promised "better" service such as police, they don't believe it or say they don't need or want it. As long as the areawide services are there, there is no overcoming these arguments about the selective buying of services and remaining a non-resident of the City. Few would live where they do if Wichita did not exist as a central city. An example of taxes based on 1980 budgets: Bel Aire paid 77.308 mills vs. Wichita 104.360. A 27.052 mill difference or 35% increase. On a \$50M home assessed at 10% value the tax bill will increase 135.26 a year from \$386.54 to \$521.80.

As a Virginia appellate court so pointedly put the matter:

"It is no answer to an annexation proceeding to assert that individual residents of the county do not need or desire the governmental services rendered by the city. A county resident may be willing to take a chance on police, fire and health protection and even tolerate inadequacy of sewer, water and garbage collection service. As long as he lives in an isolated situation his desire for lesser services and cheaper government may be acquiesced in with complacency, but when the movement of population has made him a part of a compact urban community, his individual preferences can no longer be permitted to prevail. It is not so much that he needs the city government as it is that the area in which he lives needs it."

The Kansas League of Municipalities annexation manual uses the following analogy:

"When the owner of the hot dog stand adjoining the city resists city annexation and asserts he does not need the city, what is he really saying? He is saying, 'I already have the benefits of the city's population density with its hundreds of hot dog lovers. I have the benefits of city streets providing access to the doorstep of my business. I have the benefits of all the city rules and regulations which in spite of their restrictive nature make the city a more agreeable place for all my hot dog lovers to

stay together. I just don't want any of the burdens that go with such benefits that hot dog stand owners have within the city.'

The unreasonableness of such a position requires no answer. Nor can it be asserted that because the adjoining land does not presently contain a hot dog stand the city has no justification in annexing it. The very fact the city exists in close proximity often changes the value and use of land from rural to urban. Why must the city wait until the hot dog stand is built?"

- 2) A loss of identity and sense of control they feel they have as an improvement district or small city (629 Dwelling Units - 2166 people). As a 100% of 2166 vs. 1% of 272M, they are more at ease with controlling their own destiny.
- 3) A feeling that fringe areas don't want the burden of Wichita's social problems, minorities, poor and crime. If they are in the City they will inherit some of it in their area.
- 4) Fringe areas, immediately following their incorporation, frequently require higher capital outlays than do older part of the city. This involves connecting streets and utilities to the city network and upgrading facilities. This is true in some of the older developed areas, but in the newer areas, standards match that of the City and should not be impactive in this regard.
- 5) Further, there is a question of whether there is an overall increase benefit due to economies of scale. Studies have shown that as cities grow larger, cost/capita increase. This has been directed largely to human service systems like police, welfare, etc. This is caused by additional hierarchical structure and higher salaries paid to employees of larger organizations. However this is often offset by economies of scale for capital/commodity intensive services like water, sewer, streets and similar services.

In summary, annexation is one way to restructure local government to more fairly distribute costs and to provide for a single unit in making policy. It has weaknesses due to the inability to get all of the area that is urbanized in the Metro area (such as Crestview and Timber Lake--a matter of timing and development of inbetween tracts). Also sooner or later you run into the older cities (Haysville, Goddard, Kechi, Andover) and this will ultimately block

growth. However this is a 2-way street as they too have a need and right to grow and in some directions, Wichita blocks them. Due to amount of growth required to bring this to pass, it maybe decades away in most instances. It is here that a more extensive re-examination of the role of local government could be fruitful (i.e. consolidation, urban country, etc.).

Legal Aspects of Annexation. Kansas has had until 1974 rather liberal annexation laws. Up to that time a city had only to follow the rules of what tracts could be annexed and pass an ordinance. Annexation wars in the Kansas City area produced the need to provide more structure as to when and how annexation could take place. The Kansas legislature has tightened the laws by reducing the size of tracts involved, excluded tracts over 55 acres used only for agriculture unless agreed to by the owner, required a public hearing, required a plan for services and allowing parties of interest to sue if they felt the law has not been followed. Land touching the city can be annexed when petitioned for by the owner without the plan for services and public hearing. Most of Wichita's annexations have followed this procedure during the last 5 or 6 years.

The State law now provides that annexation can occur when (a) the land is platted and some part of such land adjoins the city (b) the land is owned by or held in trust by for the city or any agency thereof (c) the land adjoins the city and is owned by or held in trust for any governmental unit other than another city (d) the land lies within or mainly within the city and has a common perimeter of the city boundary lines of more than 50% (e) the land if annexed will make the boundary line straight or harmonious in some part thereof adjoins the city except that no land in excess of 20 acres shall be annexed for this purpose (f) the land is so situated that 2/3 of any boundary adjoins the city except that no tract in excess of 20 acres shall be annexed under this condition (g) the land adjoins the city and a written petition for or consent to annexation is filed with the city by the owners. The city is precluded from annexing land and 55 acres or larger which is used only for agricultural purposes without the consent of the owner and is also prohibited from annexing down a highway in order to annex other lands. There is also a provision that land not adjoining the city can be annexed when it is petitioned by the land owner and after the Board of County Commissioners have held a public hearing and concur in such action.

In addition there is a provision that has not yet been used at least in this county whereas the governing body of any city can petition to the county for the authority to annex lands not otherwise authorized to be annexed under the provisions of KSA1973 Sup.12-520 (the preceding a-g conditions). This would include the annexation of lands that might not otherwise fall under the criteria of the acreage rules. A plan for services and the other requirements would still be a part of such proceedings.

Annexation Procedures. The State law does require a number of procedural steps be followed in any annexation except those where the landowner petitions the city and is adjacent thereto. The following steps must be followed:

- 1) the governing body instructs staff to prepare legal description map and plan for services
- 2) a service plan is approved by governing body
- 3) at the same meeting as "2", the governing body would adopt a resolution specifying a hearing date
- 4) a resolution and notice with map are mailed to property owners within 10 days of the adoption of the resolution
- 5) a resolution and map are published in the official newspaper one to two weeks before the hearing
- 6) a public hearing is held not less than 60 nor more than 70 days after the resolution is adopted
- 7) the annexation ordinance may be adopted
- 8) the ordinance is published and takes effect
- 9) property owners may file action in District Court challenging the annexation action within 30 days after publication of annexation ordinance

History of annexation in Wichita. Since its incorporation in 1871 Wichita has grown through annexation and continues to do so yearly. In 1871 Wichita's land area consisted of 0.29 square miles. During its early period the city remained fairly small despite property speculation activities that took place during the 1880's many miles around it and especially to the north. By 1910 Wichita had grown to 3.37 square miles. By 1960 Wichita had expanded its city limits to include 52.92 square miles. It was at this point that Wichita reexamined in its growth program and embarked on its "One Wichita" program which provided extensive annexation in the early 1960's. In this time period, Wichita annexed another 28.58 square miles and since that time has grown to over 100 square miles of land area. Rather interestingly most of Wichita's annexation since World War II has occurred in those areas served by the expansion of major water and sewer lines. Since 1971, the city has continued to annex property at an average rate of 1.36 square miles per year. Between 1971 and 1975, 7.42 square miles were annexed and between 1976 and 1979, 4.78 square miles had been annexed. The table following and the map show the annexations which have taken place between the years 1870 and 1979.

GROWTH OF WICHITA LAND AREA  
1970 - 1979

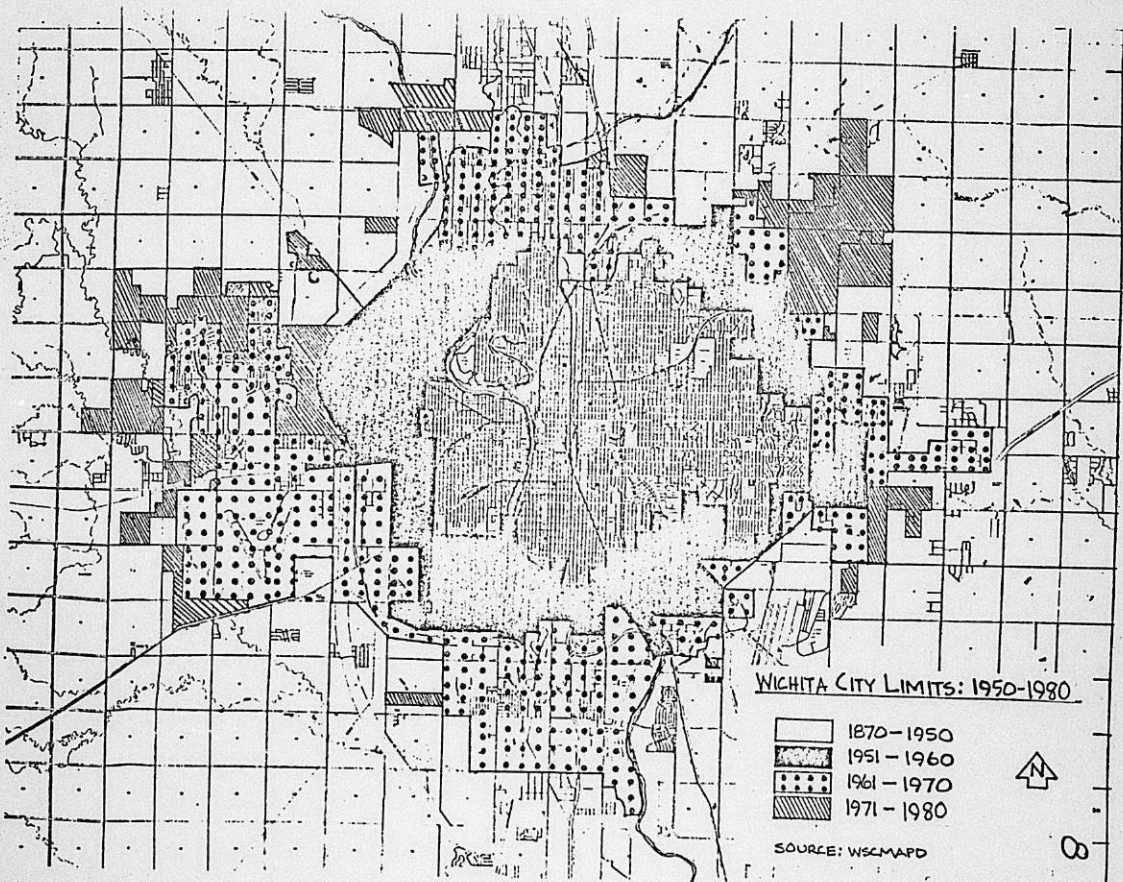
<u>Years</u>	<u>Annexed Land</u>	<u>Total Square Miles Of City (12/31/79)</u>
1871-1910	3.08	3.37
1910-1920	15.52	18.89
1920-1940	1.67	20.56
1940-1950	5.93	26.49
1951-1955	19.02	45.55
1956-1960	7.37	52.92
1961-1965	28.58	81.5
1966-1970	7.7	89.2
1971-1975	7.42	96.62
1976	.53	97.15
1977	1.0	98.15
1978	1.42	99.57
1979	1.83	101.40

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Source: MAPD, Current Plans Division, 1979

Wichita is not alone in annexation. Kansas Municipalities with population of over 2500 annexed a total of 187.7 square miles between 1970 and 1978. In 1978 annexations alone totaled 8.3 square miles. Of these, Wichita represented 17% of all annexations in the State. In rank order against the 50 states Kansas ranked 19th in land area annex between 70 and 78 and 30th in 1979.

Annexation in Relation to Comprehensive Plans. Basically Wichita's growth pattern has followed the comprehensive plan as expressed in several adopted plan elements. The general growth patterns for the Wichita area have been set forth in several reports. Probably the most significant report was the year 2000 sewer plan adopted in 1970. Earlier reports including the 1960 One-Wichita, the 1964 Transportation Plan, and the more recent Park and Open Space Plan and Water Plan show a general growth area for the City of Wichita. The essential area for that growth is along the Transportation axis particularly to the west and to the east with significant growth to the northeast. Moderate amounts of fill-in growth are also shown towards the north and to the south. These reports as well as showing growth for the City of Wichita, also suggest growth patterns for the smaller cities within the city and the improvement districts. Just as Wichita is projected to grow, so are the areas around Haysville, Derby, Valley Center, Park City, Goddard and others.

Three cooperative efforts have been undertaken recently to



WICHITA CITY LIMITS: 1950-1980

- 1870-1950
- 1951-1960
- 1961-1970
- 1971-1980

SOURCE: WSCMAPD



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determine the most efficient way for sewer services to be provided for growth areas. The first of these is the Four Mile Creek Area to the east in which Sedgwick County has established a sewer district and the City of Wichita is providing water services. The second of these is a study to determine the most cost effective method of providing sewage treatment in the area between Wichita and the Improvement District of Park City. The third area currently underway is the Cowskin Intercept Study for the west side and the updating of the year 2000 sewer plan. The Cowskin area, much of which lies within the City of Wichita, also has extensive areas outside the City of Wichita calling for a cooperative study for determination of how best to serve this area.

As indicated above, a number of plan elements have been adopted by the Metropolitan Area Planning Commission. The land use element which does speak specifically to growth areas, was adopted by the MAPC in 1978. The water plan also adopted by the Planning Commission shows growth derived from the patterns established in the land use plan. The adopted water plan establishes a need for well engineered, reliable water system both for quality urban living and for fire protection purposes. These plans propose compact growth adjacent to and contiguous to the existing Wichita urban area. Although not precise to each individual parcel, these plans are clear and concise enough to establish areas for urban services. This plan specifically was used by the City of Wichita in establishing the areas in which it would authorize the extension of water services outside the City subject to annexation agreements. This policy was established in early 1980. The land use plan supports an orderly growth pattern including infill of the existing city as well as expanded growth in selected areas at the edge. It is significant that this is a selective growth plan and is not one which would promote annexation in a "willie-nillie" fashion throughout the area and giving rise to what is known as urban sprawl. The possibility that projected directions of growth can be blocked makes the effectuation of such plans difficult and may potentially create problems related to acceptance by federal agencies who assist in financing these developments unless the local units of government have the capacity for carrying out the plans as adopted.

Transfer of Functions - Intergovernmental Agreements. one of the easiest alternatives to accomplish in restructuring local government is the transfer of a function to another unit of government which may have a better geographic base or financing base. Also the contracting of services is a popular way of handling service needs particularly in the California area and more specifically in the widely metropolitanized area of Los Angeles and San Francisco. There appears to be a tendency for larger units of government to enter into service agreements. The factor most often effecting the desirability of entering in such agreements is to achieve economies of scale in the provisions of services. The factor most inhibiting is probably the fear that the independence of action of the contracting agencies will be limited by such contracting.

The contracting device serves as an alternate to formal and more permanent transfers in that it allows the 1st unit of government to take back the function should it for any reason be dissatisfied. This process does not however deal effectively with placing the function with the most efficient and most equitable tax base unit. It has been common in many central cities to be somewhat reticent to extend water supply and sewer lines to suburban communities for fear that the exodus of citizens in business firms to the suburbs will be accelerated if they acquire the central city services.

Some observers to the reform of local government view that the use of large numbers of agreements is a desultory approach to the solution of service problems and it complicates the local governmental system making it even less responsive to the needs and wishes to the citizens. However, there is also a suggestion that unless local units of government gain experience and enter local service agreements, they may never arrive at the level of comfort which will permit a more fundamental type of collaborative endeavor. On the positive side, this has been a fairly popular arrangement, because it is pragmatic, it is piecemeal, it is permissive and not mandated and has had a minimal disruptive impact on the structure of local governments. On the other hand, it seems that most of the intergovernmental contracting or cooperation has occurred for those activities which provide the solution of relatively minor and fairly noncontroversial problems. The positive and negative side of this approach is that it is incremental.

Urban Counties - the development of urban counties is gaining greater attention throughout the United States. A recent article in the Wall Street Journal describes some of the current development in this area. Counties indeed have much to offer primarily because most often a county has the requisite geographic scope (particularly in single county SMSA's) to deal effectively with most urban problem. Even in an area like Wichita-Sedgwick County where the SMSA includes Butler County, Sedgwick County essentially contains the bulk of the urbanizing area minus Andover and Rose Hill. Similarly it should be noted that in every successful major metropolitan reorganization (excepting Minneapolis-St. Paul) there has been involved a single restructured county. Also the ability to provide a wide based tax support favor urban counties. The county has traditionally been the administrative agent for the state and only in more recent years has it begun to assume the responsibility for functions that cities have often performed. An urban county differs from old form counties primarily in its role of providing more urban services as a basic responsibility. This role is most often created by legislative edict or by voter approval of a special "charter" enlarging the power of the county.

The treatment of urban counties has been different in different areas where the county would assume governmental functions for area wide activities, while local functions which are single jurisdiction

in scope could be continued to be handled by the municipalities. In some areas there is still the question of whether or not the county should perform the services only in the unincorporated areas or on a county wide basis. In Kansas, Johnson County functions as an Urban County, although probably not to the degree that is thought of in the various papers on this subject. There was an attempt in 1976 to adopt a new county charter expanding the County role. It was narrowly defeated. There is currently in the legislature a bill for Wyandotte County which would make it more urban.

There is a wide range of possibilities among the examples as to what functions go county wide and what stays within the municipality. The typical area wide activities are mass transit, airport, education, solid waste disposal, sewage and sewage disposal, air pollution, water pollution control, water supply and highways. Other examples included fire, libraries, areawide Planning, areawide parks and recreation systems, special police services and redevelopment functions. Although much of the literature includes Dade county as a sole example of an urban county with a two tier service level, most people consider Miami-Dade County as a city-county consolidation. Some of the same problems of reorganizing at an urban county level also exists for the consolidations. Issues of fair representation between urban and rural populations, minorities and non-minorities and the professionalism of county government have been the issues in the past. Sedgwick County has in the last several years increased its professional capacity.

Consolidation. City-county consolidation has also been an increasing popular way to resolve metropolitan problems. Again, there have been all levels of such mergers including complete mergers under a new government which would be the most far reaching approach. Also a fairly common process exists where the city and the county join but many of the smaller jurisdictions remain as freestanding municipalities. Consolidation really falls into two classes. Those mandated by the states in the early 1900's i.e. Denver, St. Louis and New York have largely outlived their usefulness. They are now enclaved and face the same problems as many other old cities. The newer consolidations began in the 1960's and are still happening. Consolidation referendums are apparently taking place at a more rapid rate with some having been legislated by the state (Indianapolis). About 20% of the referendums held since 1969 have passed (10 of 51). Contributing factors identified have been the increase in federal regional coordination requirements such as related to grant and aide fundings on water, sewer, air pollution, etc. Federal court decisions concerning the equitable distribution of services over the metropolitan areas including housing and fiscal restraints which force localities to reconsider what were in the past at least politically unacceptable alternatives.

The main advantages in consolidations lie in providing a unified coordinated program of service development and a control

over an area that was previously served by a city and a county. Its goal is to simplify governmental structure thereby consolidating responsibility, eliminating duplication and better utilizing resources. The more significant problems that exist in consolidation is the tremendous amount of compromise needed to find an acceptable level of agreements. Usually these consolidations have occurred only where there is a fairly good rapport between the involved local units of government. Contributing significantly to the failure of consolidation effort is the inability to show that cost will be reduced, the dilution of minority voting patterns with the new unit of government and the fear of loss or control as the government goes up one tier and is larger in size. The suburban and rural interests have also shown the same fear and anxieties that minorities have towards loss or dilution of their power.

Federation. Very few examples of true federation exist with the most successful one being Toronto. Toronto reorganized itself into a two tiered layer of government with the municipalities retaining some local controls over services while the area wide controls go to the metropolitan level of government. The Metropolitan, or second tier of government is basically composed of representatives of the first tier. Other forms have been created including a most interesting Minneapolis-St. Paul Metropolitan Council. Created by the State of appointive members, it exercises strong planning controls and control over utility extensions and planning. Other experiments exist such as special districts like Puget Sound and Portland where area wide services are provided by a second tier government.


#### Summary

There are at least five major avenues to providing for services and resolving problems in metropolitan areas. They include annexation, development of urban counties, the use of contracting and/or transfer of functions, consolidation and federation. Annexation and transfer of powers and inter-governmental contracting do provide incremental and short range benefits. It would appear however that over the long haul a more basic need exists in terms of meeting the four criteria established by ACIR. It would be beneficial and indeed possible, if local governments are willing to examine the issue and are willing to set specific goals and establish their own criteria to undertake a more fundamental relook at the structuring of local government. As with any endeavor of this type, it would need strong leadership from the several segments of the community, a thoughtful and considered examination of the alternatives available for such restructuring, and a strong informational and information program within the community to communicate the goals, objectives, findings and proposed solutions.

Conclusion

It is my judgment that without a significant commitment for restructuring such as the development of consolidation and/or an urban county that it is within the best interest of the City of Wichita to continue with its annexation programs to protect its ability to grow. If at such time there are firm commitments made toward an urban county or consolidation, etc., then the annexation issue largely becomes moot.

In the event there are additional incorporations which preclude growth by the City of Wichita there will then be created, in my judgment, even greater pressures toward resolving the issue of financing and service equities. In fact such acts, if they should occur, indeed will force the day to when serious consideration will have to be given to basic restructuring of local government.

  
Robert A. Lakin  
Director of Planning

cc: Board of City Commissioners  
Board of County Commissioners  
Metropolitan Area Planning Commissioners

WICHITA-SEDGWICK COUNTY

DATE  
September 2, 1980

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO E. H. Denton, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Managing Growth

The growth of any urbanizing area presents a number of problems. These are not new nor unique to the Wichita-Sedgwick County area. However this area by fortune of its past development (past policies and quality) is in a generally unique position to examine its future and make rational decisions about where and how its future is to be determined.

Problems most often identified with urban growth are:

- 1) flight of higher income residents and businesses to the fringe;
- 2) proliferation of special districts and units of government;
- 3) the inequities and diseconomies involved in central city financing of area services;
- 4) the coordination and timeliness of providing services;
- 5) service disparities;
- 6) inability to cope with areawide problems;
- 7) the decline of the tax base of the central cities;

These problems seem to have been handled differently by different communities and in different parts of the country. The result has been a search for a more efficient mechanism to deal with these problems including the restructuring of local government. Failure to deal effectively with these problems often has resulted in federal or state intervention. Examples of intervention have been in hazardous waste regulations, water and air quality regulations, intervention in the housing market and many, many more.

Restructuring of local government

Looking at the issue of restructuring local government, there has been much written on the subject. However, most of this writing has been done during the early 70's and not much has been done in recent years. The more significant body of writing on restructuring local government has been produced by

the Advisory Commission on Intergovernmental Relations (ACIR). This is a federally sponsored organization and was created by President Eisenhower in 1959. It contains as members, representatives of House, the Senate, officers of the executive branches of the Federal Government, Governors, Mayors, elected county officials and state legislative leaders as well as private citizens. It is a small but highly respected group of people who have examined in depth issues of governmental reorganization. A series of volumes have been published on this subject and are available for more extensive reading.

Although everyone probably has their own list of urban problems, the ones listed earlier are reasonably representative of problems identified in studies done in this area. The more common methods of trying to deal with these problems have been restructuring of local government in one of several ways. Included in these ways is (1) annexation, (2) the development of urban counties; (3) the use of contractual arrangements and/or the transfer of functions; (4) consolidation; and (5) the use of federated forms of government. Each of these have certain pluses and minuses and whole volumes have been written on the subjects which make it impossible to completely summarize in this paper. The ACIR did however, attempt to develop some criteria by which to evaluate the various alternatives that might be considered in reorganizing or restructuring local government. A summary of these criteria is as follows:

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- "3. Political Accountability: Functions should be assigned (a) to jurisdictions controllable by, accessible to, and accountable to their residents in the performance of their public service responsibilities, and (b) to

jurisdictions that maximize the conditions and opportunities for active and productive citizen participation in the performance of a function.

- "4. Administrative Effectiveness: Functions should be assigned (a) to jurisdictions that are responsible for a wide variety of functions and so can balance competing functional interests, (b) to jurisdictions that encompass a geographic area adequate for effective performance of a function, (c) to jurisdictions that explicitly determine the goals and means of discharging public service responsibilities and that periodically reassess program goals in light of performance standards, (d) to jurisdictions willing to pursue intergovernmental means of promoting interlocal functional cooperation and reducing interlocal functional conflict, and (e) to jurisdictions with adequate legal authority to perform a function and to rely on this authority in administering the function."

In looking at the criteria for dealing with problems in metropolitan areas, less traditional ways are also being looked at with greater frequency. In addition to annexation, ways often looked at are city-county consolidations, transfer of functions and intergovernmental agreements, the urban county and the federation of local governments. Much has been written on these subjects. In each of these configurations the process of transferring functions or consolidation tend to blend with the actions of another activity such as development of an urban county and/or consolidation. The implementation of these types of proposals in various local units of government tend to vary significantly in each specific location. It is significant that many of the areas which have considered these other alternatives are also areas which have been foreclosed from annexation either by state law or by physical constraints.

Annexation - Although not often thought of as a restructuring of local government, annexation is precisely just that. Each annexation effects the corporate "charter" by expanding its geographic boundaries, adds new members to the corporation and expands both its responsibilities and its financial base. The act of annexation also, is a step to protect its future ability to grow. It is practiced by the big (Houston), the medium (Oklahoma City, Tulsa, Wichita) and the smaller cities (Derby and Haysville).

Annexation as a process is practiced most by cities in mid-central, the south and the west. For decades, older cities in the East have been precluded from annexing due to incorporations which have ringed them or by the existence of towns which perform many of the urban functions and freeze city boundaries. Many cities have been closed off from growth due to their inability to annex.

As an answer to growth problems, annexation has certain advantages. Some of these are that it:

- 1) More equitably spreads the cost of government borne by the Central City. Small fringe areas do not generate demands for major facilities, i.e. Kelloggs, Rock Roads, Pawnee Prairie and Chisolm Creek Semi Regional parks, Century II, nor for general overhead items such as a City Manager, Economic Development, Planning, police labs, computers, etc.), but collectively with other such areas and the center city, they bring about the need for the central city to undertake them. Failure by the central city of provide these areas with tangible services and the intangible services would visually show up in the quality of life not only for center city but for the fringe areas as well. What would life at the fringe be if Wichita did not maintain the level of police and recreation services for the existing city? Area wide services such as the Library, Art Museum & Parks & industrial development provide general benefits to the entire area. By annexing, especially the upper-middle residential, business and industry, those costs are more fairly supported. Essentially growing cities are more healthy than those who are not.
- 2) Assists in the coordination and provision of services. Without the geographic area under a single jurisdiction, actions such as provision of sewer and streets become more difficult. Problems in having multiple jurisdictions, exist in the timing of services, in legally initiating projects, in recovering costs from those who will benefit in the future but are not in the City do not participate in the financing of facilities and services. As a single example road construction where one-half is in one city and one-half is in another jurisdiction, presents real and practical problems. It took years with Eastborough, Wichita and the County to pave Woodlawn.
- 3) Provides room for future growth and allows the City to plan for services such as arterials, sewer, water, fire station, etc. If the city cannot grow out, the alternatives are non-growth or upward growth. Wichita has little area to infill. Greater densities on "up" are o.k. but may mean congestion and other problems. No growth means no way to renew an aging physical plant. Similarly social/economic problems generally increase with a city's age.
- 4) Allows services to be provided at a lower cost.

This however is debatable. As the city gets bigger, its overhead goes up and more specialized services are offered. On the other hand, capital intensive items like water treatment plants, water sources, and sewage treatment plants provide increased efficiency and costs are usually lowered. The issue of costs is more properly an issue of what services are paid for. This is the basic fringe area problem in that they do not normally want to "buy" the level or range of services existing in the Central City.

- 5) Raises the City's image in terms of marketing. Cities are generally ranked on size. It is important in marketing and economic development.
- 6) Reclaims community leadership. Annexation brings into the corporate fold many who could and should serve on advisory boards and even those who would run for office in the city. As decisions and policies made by the City affect those on the fringe, they should be in and a part of it. Even though people live on the fringe when they vacation or travel on business, they are from Wichita not Bel Aire or the Trees.
- 7) Preserves the tax base. This is closely related to No. 1. Even with a reduced reliance on the ad valorem tax, revenues will be generated either on income, sales tax, or the redistribution of state and federal taxes (such as gas tax and revenue sharing), all of which will be identified on the geographic site it generated from. It is therefore important to keep the tax base growing.
- 8) Provides a way to assume control of areas that have deficiencies in services or control, and which may be creating negative spillovers such as social problems or crime.
- 9) Can offset some of the fleeing to the fringe. If the idea of leaving the central city is negated, then the choice to relocate becomes one of "moving costs" rather than the cost of housing.
- 10) Provides for a better utilization of existing services and capital investment. This is especially true in Wichita where water treatment, distribution systems and sewer systems have been sized for growth. If the growth does not occur and duplicate facilities are built by others, the total cost of development will go up.

People historically object to annexation unless they are in dire straights for basic public services like water and sewer. There are several reasons. They are:

- 1) Taxes will increase. At the present people on the fringe buy their services selectively and do not take a full service package like Wichita. Even when promised "better" service such as police, they don't believe it or say they don't need or want it. As long as the areawide services are there, there is no overcoming these arguments about the selective buying of services and remaining a non-resident of the City. Few would live where they do if Wichita did not exist as a central city. An example of taxes based on 1980 budgets: Bel Aire paid 77.308 mills vs. Wichita 104.360. A 27.052 mill difference or 35% increase. On a \$50M home assessed at 10% value the tax bill will increase 135.26 a year from \$386.54 to \$521.80.

As a Virginia appellate court so pointedly put the matter:

"It is no answer to an annexation proceeding to assert that individual residents of the county do not need or desire the governmental services rendered by the city. A county resident may be willing to take a chance on police, fire and health protection and even tolerate inadequacy of sewer, water and garbage collection service. As long as he lives in an isolated situation his desire for lesser services and cheaper government may be acquiesced in with complacency, but when the movement of population has made him a part of a compact urban community, his individual preferences can no longer be permitted to prevail. It is not so much that he needs the city government as it is that the area in which he lives needs it."

The Kansas League of Municipalities annexation manual uses the following analogy:

"When the owner of the hot dog stand adjoining the city resists city annexation and asserts he does not need the city, what is he really saying? He is saying, 'I already have the benefits of the city's population density with its hundreds of hot dog lovers. I have the benefits of city streets providing access to the doorstep of my business. I have the benefits of all the city rules and regulations which in spite of their restrictive nature make the city a more agreeable place for all my hot dog lovers to

stay together. I just don't want any of the burdens that go with such benefits that hot dog stand owners have within the city.'

The unreasonableness of such a position requires no answer. Nor can it be asserted that because the adjoining land does not presently contain a hot dog stand the city has no justification in annexing it. The very fact the city exists in close proximity often changes the value and use of land from rural to urban. Why must the city wait until the hot dog stand is built?"

- 2) A loss of identity and sense of control they feel they have as an improvement district or small city (629 Dwelling Units - 2166 people). As a 100% of 2166 vs. 1% of 272M, they are more at ease with controlling their own destiny.
- 3) A feeling that fringe areas don't want the burden of Wichita's social problems, minorities, poor and crime. If they are in the City they will inherit some of it in their area.
- 4) Fringe areas, immediately following their incorporation, frequently require higher capital outlays than do older part of the city. This involves connecting streets and utilities to the city network and upgrading facilities. This is true in some of the older developed areas, but in the newer areas, standards match that of the City and should not be impactful in this regard.
- 5) Further, there is a question of whether there is an overall increase benefit due to economies of scale. Studies have shown that as cities grow larger, cost/capita increase. This has been directed largely to human service systems like police, welfare, etc. This is caused by additional hierarchical structure and higher salaries paid to employees of larger organizations. However this is often offset by economies of scale for capital/commodity intensive services like water, sewer, streets and similar services.

In summary, annexation is one way to restructure local government to more fairly distribute costs and to provide for a single unit in making policy. It has weaknesses due to the inability to get all of the area that is urbanized in the Metro area (such as Crestview and Timber Lake--a matter of timing and development of inbetween tracts). Also sooner or later you run into the older cities (Haysville, Goddard, Kechi, Andover) and this will ultimately block

growth. However this is a 2-way street as they too have a need and right to grow and in some directions, Wichita blocks them. Due to amount of growth required to bring this to pass, it maybe decades away in most instances. It is here that a more extensive re-examination of the role of local government could be fruitful (i.e. consolidation, urban country, etc.).

Legal Aspects of Annexation. Kansas has had until 1974 rather liberal annexation laws. Up to that time a city had only to follow the rules of what tracts could be annexed and pass an ordinance. Annexation wars in the Kansas City area produced the need to provide more structure as to when and how annexation could take place. The Kansas legislature has tightened the laws by reducing the size of tracts involved, excluded tracts over 55 acres used only for agriculture unless agreed to by the owner, required a public hearing, required a plan for services and allowing parties of interest to sue if they felt the law has not been followed. Land touching the city can be annexed when petitioned for by the owner without the plan for services and public hearing. Most of Wichita's annexations have followed this procedure during the last 5 or 6 years.

The State law now provides that annexation can occur when (a) the land is platted and some part of such land adjoins the city (b) the land is owned by or held in trust by for the city or any agency thereof (c) the land adjoins the city and is owned by or held in trust for any governmental unit other than another city (d) the land lies within or mainly within the city and has a common perimeter of the city boundary lines of more than 50% (e) the land if annexed will make the boundary line straight or harmonious in some part thereof adjoins the city except that no land in excess of 20 acres shall be annexed for this purpose (f) the land is so situated that 2/3 of any boundary adjoins the city except that no tract in excess of 20 acres shall be annexed under this condition (g) the land adjoins the city and a written petition for or consent to annexation is filed with the city by the owners. The city is precluded from annexing land and 55 acres or larger which is used only for agricultural purposes without the consent of the owner and is also prohibited from annexing down a highway in order to annex other lands. There is also a provision that land not adjoining the city can be annexed when it is petitioned by the land owner and after the Board of County Commissioners have held a public hearing and concur in such action.

In addition there is a provision that has not yet been used at least in this county whereas the governing body of any city can petition to the county for the authority to annex lands not otherwise authorized to be annexed under the provisions of KSA1973 Sup.12-520 (the preceding a-g conditions). This would include the annexation of lands that might not otherwise fall under the criteria of the acreage rules. A plan for services and the other requirements would still be a part of such proceedings.

Annexation Procedures. The State law does require a number of procedural steps be followed in any annexation except those where the landowner petitions the city and is adjacent thereto. The following steps must be followed:

- 1) the governing body instructs staff to prepare legal description map and plan for services
- 2) a service plan is approved by governing body
- 3) at the same meeting as "2", the governing body would adopt a resolution specifying a hearing date
- 4) a resolution and notice with map are mailed to property owners within 10 days of the adoption of the resolution
- 5) a resolution and map are published in the official newspaper one to two weeks before the hearing
- 6) a public hearing is held not less than 60 nor more than 70 days after the resolution is adopted
- 7) the annexation ordinance may be adopted
- 8) the ordinance is published and takes effect
- 9) property owners may file action in District Court challenging the annexation action within 30 days after publication of annexation ordinance

History of annexation in Wichita. Since its incorporation in 1871 Wichita has grown through annexation and continues to do so yearly. In 1871 Wichita's land area consisted of 0.29 square miles. During its early period the city remained fairly small despite property speculation activities that took place during the 1880's many miles around it and especially to the north. By 1910 Wichita had grown to 3.37 square miles. By 1960 Wichita had expanded its city limits to include 52.92 square miles. It was at this point that Wichita reexamined in its growth program and embarked on its "One Wichita" program which provided extensive annexation in the early 1960's. In this time period, Wichita annexed another 28.58 square miles and since that time has grown to over 100 square miles of land area. Rather interestingly most of Wichita's annexation since World War II has occurred in those areas served by the expansion of major water and sewer lines. Since 1971, the city has continued to annex property at an average rate of 1.36 square miles per year. Between 1971 and 1975, 7.42 square miles were annexed and between 1976 and 1979, 4.78 square miles had been annexed. The table following and the map show the annexations which have taken place between the years 1870 and 1979.

GROWTH OF WICHITA LAND AREA  
1970 - 1979

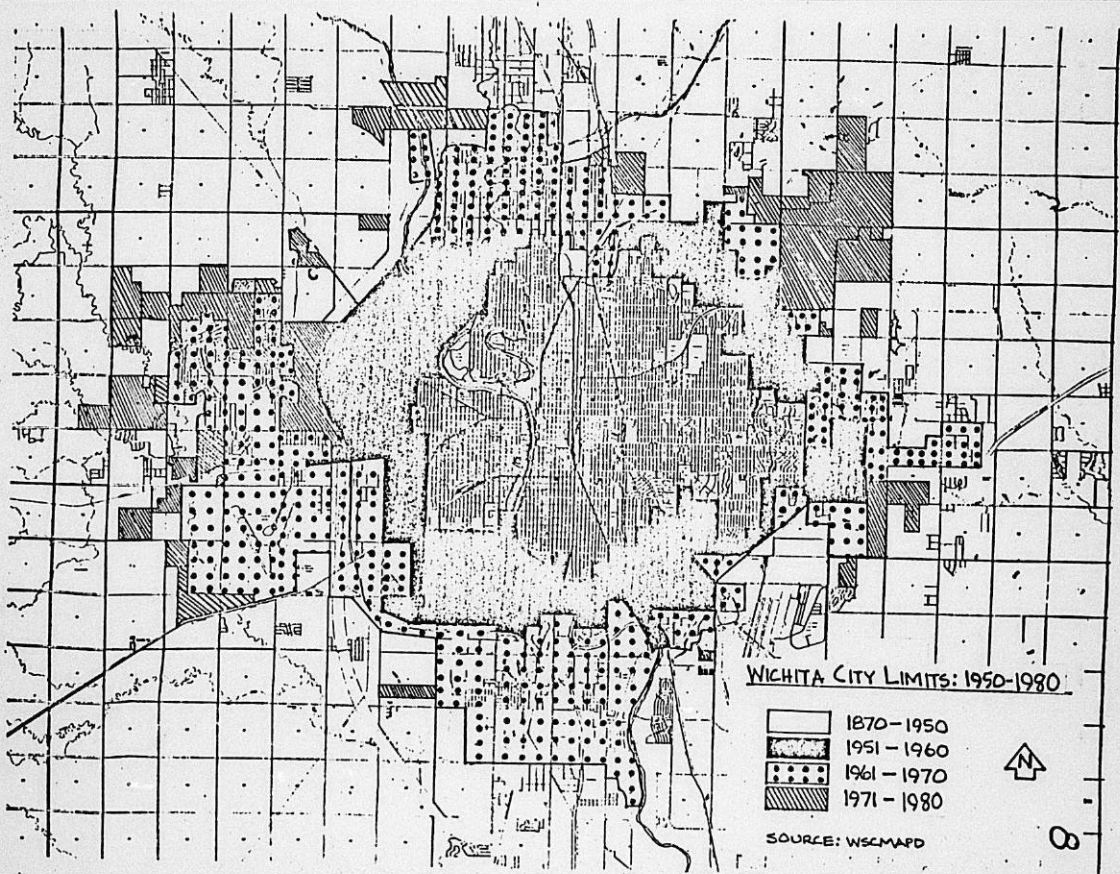
<u>Years</u>	<u>Annexed Land</u>	<u>Total Square Miles Of City (12/31/79)</u>
1871-1910	3.08	3.37
1910-1920	15.52	18.89
1920-1940	1.67	20.56
1940-1950	5.93	26.49
1951-1955	19.02	45.55
1956-1960	7.37	52.92
1961-1965	28.58	81.5
1966-1970	7.7	89.2
1971-1975	7.42	96.62
1976	.53	97.15
1977	1.0	98.15
1978	1.42	99.57
1979	1.83	101.40

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Source: MAPD, Current Plans Division, 1979

Wichita is not alone in annexation. Kansas Municipalities with population of over 2500 annexed a total of 187.7 square miles between 1970 and 1978. In 1978 annexations alone totaled 8.3 square miles. Of these, Wichita represented 17% of all annexations in the State. In rank order against the 50 states Kansas ranked 19th in land area annex between 70 and 78 and 30th in 1979.

Annexation in Relation to Comprehensive Plans. Basically Wichita's growth pattern has followed the comprehensive plan as expressed in several adopted plan elements. The general growth patterns for the Wichita area have been set forth in several reports. Probably the most significant report was the year 2000 sewer plan adopted in 1970. Earlier reports including the 1960 One-Wichita, the 1964 Transportation Plan, and the more recent Park and Open Space Plan and Water Plan show a general growth area for the City of Wichita. The essential area for that growth is along the Transportation axis particularly to the west and to the east with significant growth to the northeast. Moderate amounts of fill-in growth are also shown towards the north and to the south. These reports as well as showing growth for the City of Wichita, also suggest growth patterns for the smaller cities within the city and the improvement districts. Just as Wichita is projected to grow, so are the areas around Haysville, Derby, Valley Center, Park City, Goddard and others.

Three cooperative efforts have been undertaken recently to



WICHITA CITY LIMITS: 1950-1980

- 1870-1950
- 1951-1960
- 1961-1970
- 1971-1980

SOURCE: WSCMAPD

determine the most efficient way for sewer services to be provided for growth areas. The first of these is the Four Mile Creek Area to the east in which Sedgwick County has established a sewer district and the City of Wichita is providing water services. The second of these is a study to determine the most cost effective method of providing sewage treatment in the area between Wichita and the Improvement District of Park City. The third area currently underway is the Cowskin Intercept Study for the west side and the updating of the year 2000 sewer plan. The Cowskin area, much of which lies within the City of Wichita, also has extensive areas outside the City of Wichita calling for a cooperative study for determination of how best to serve this area.

As indicated above, a number of plan elements have been adopted by the Metropolitan Area Planning Commission. The land use element which does speak specifically to growth areas, was adopted by the MAPC in 1978. The water plan also adopted by the Planning Commission shows growth derived from the patterns established in the land use plan. The adopted water plan establishes a need for well engineered, reliable water system both for quality urban living and for fire protection purposes. These plans propose compact growth adjacent to and contiguous to the existing Wichita urban area. Although not precise to each individual parcel, these plans are clear and concise enough to establish areas for urban services. This plan specifically was used by the City of Wichita in establishing the areas in which it would authorize the extension of water services outside the City subject to annexation agreements. This policy was established in early 1980. The land use plan supports an orderly growth pattern including infill of the existing city as well as expanded growth in selected areas at the edge. It is significant that this is a selective growth plan and is not one which would promote annexation in a "willie-nillie" fashion throughout the area and giving rise to what is known as urban sprawl. The possibility that projected directions of growth can be blocked makes the effectuation of such plans difficult and may potentially create problems related to acceptance by federal agencies who assist in financing these developments unless the local units of government have the capacity for carrying out the plans as adopted.

Transfer of Functions - Intergovernmental Agreements. One of the easiest alternatives to accomplish in restructuring local government is the transfer of a function to another unit of government which may have a better geographic base or financing base. Also the contracting of services is a popular way of handling service needs particularly in the California area and more specifically in the widely metropolitanized area of Los Angeles and San Francisco. There appears to be a tendency for larger units of government to enter into service agreements. The factor most often effecting the desirability of entering in such agreements is to achieve economies of scale in the provisions of services. The factor most inhibiting is probably the fear that the independence of action of the contracting agencies will be limited by such contracting.

The contracting device serves as an alternate to formal and more permanent transfers in that it allows the 1st unit of government to take back the function should it for any reason be dissatisfied. This process does not however deal effectively with placing the function with the most efficient and most equitable tax base unit. It has been common in many central cities to be somewhat reticent to extend water supply and sewer lines to suburban communities for fear that the exodus of citizens in business firms to the suburbs will be accelerated if they acquire the central city services.

Some observers to the reform of local government view that the use of large numbers of agreements is a desultory approach to the solution of service problems and it complicates the local governmental system making it even less responsive to the needs and wishes to the citizens. However, there is also a suggestion that unless local units of government gain experience and enter local service agreements, they may never arrive at the level of comfort which will permit a more fundamental type of collaborative endeavor. On the positive side, this has been a fairly popular arrangement, because it is pragmatic, it is piecemeal, it is permissive and not mandated and has had a minimal disruptive impact on the structure of local governments. On the other hand, it seems that most of the intergovernmental contracting or cooperation has occurred for those activities which provide the solution of relatively minor and fairly noncontroversial problems. The positive and negative side of this approach is that it is incremental.

Urban Counties - the development of urban counties is gaining greater attention throughout the United States. A recent article in the Wall Street Journal describes some of the current development in this area. Counties indeed have much to offer primarily because most often a county has the requisite geographic scope (particularly in single county SMSA's) to deal effectively with most urban problem. Even in an area like Wichita-Sedgwick County where the SMSA includes Butler County, Sedgwick County essentially contains the bulk of the urbanizing area minus Andover and Rose Hill. Similarly it should be noted that in every successful major metropolitan reorganization (excepting Minneapolis-St. Paul) there has been involved a single restructured county. Also the ability to provide a wide based tax support favor urban counties. The county has traditionally been the administrative agent for the state and only in more recent years has it begun to assume the responsibility for functions that cities have often performed. An urban county differs from old form counties primarily in its role of providing more urban services as a basic responsibility. This role is most often created by legislative edict or by voter approval of a special "charter" enlarging the power of the county.

The treatment of urban counties has been different in different areas where the county would assume governmental functions for area wide activities, while local functions which are single jurisdiction

in scope could be continued to be handled by the municipalities. In some areas there is still the question of whether or not the county should perform the services only in the unincorporated areas or on a county wide basis. In Kansas, Johnson County functions as an Urban County, although probably not to the degree that is thought of in the various papers on this subject. There was an attempt in 1976 to adopt a new county charter expanding the County role. It was narrowly defeated. There is currently in the legislature a bill for Wyandotte County which would make it more urban.

There is a wide range of possibilities among the examples as to what functions go county wide and what stays within the municipality. The typical area wide activities are mass transit, airport, education, solid waste disposal, sewage and sewage disposal, air pollution, water pollution control, water supply and highways. Other examples included fire, libraries, areawide Planning, areawide parks and recreation systems, special police services and redevelopment functions. Although much of the literature includes Dade county as a sole example of an urban county with a two tier service level, most people consider Miami-Dade County as a city-county consolidation. Some of the same problems of reorganizing at an urban county level also exists for the consolidations. Issues of fair representation between urban and rural populations, minorities and non-minorities and the professionalism of county government have been the issues in the past. Sedgwick County has in the last several years increased its professional capacity.

Consolidation. City-county consolidation has also been an increasing popular way to resolve metropolitan problems. Again, there have been all levels of such mergers including complete mergers under a new government which would be the most far reaching approach. Also a fairly common process exists where the city and the county join but many of the smaller jurisdictions remain as freestanding municipalities. Consolidation really falls into two classes. Those mandated by the states in the early 1900's i.e. Denver, St. Louis and New York have largely outlived their usefulness. They are now enclaved and face the same problems as many other old cities. The newer consolidations began in the 1960's and are still happening. Consolidation referendums are apparently taking place at a more rapid rate with some having been legislated by the state (Indianapolis). About 20% of the referendums held since 1969 have passed (10 of 51). Contributing factors identified have been the increase in federal regional coordination requirements such as related to grant and aide fundings on water, sewer, air pollution, etc. Federal court decisions concerning the equitable distribution of services over the metropolitan areas including housing and fiscal restraints which force localities to reconsider what were in the past at least politically unacceptable alternatives.

The main advantages in consolidations lie in providing a unified coordinated program of service development and a control

over an area that was previously served by a city and a county. Its goal is to simplify governmental structure thereby consolidating responsibility, eliminating duplication and better utilizing resources. The more significant problems that exist in consolidation is the tremendous amount of compromise needed to find an acceptable level of agreements. Usually these consolidations have occurred only where there is a fairly good rapport between the involved local units of government. Contributing significantly to the failure of consolidation effort is the inability to show that cost will be reduced, the dilution of minority voting patterns with the new unit of government and the fear of loss or control as the government goes up one tier and is larger in size. The suburban and rural interests have also shown the same fear and anxieties that minorities have towards loss or dilution of their power.

Federation. Very few examples of true federation exist with the most successful one being Toronto. Toronto reorganized itself into a two tiered layer of government with the municipalities retaining some local controls over services while the area wide controls go to the metropolitan level of government. The Metropolitan, or second tier of government is basically composed of representatives of the first tier. Other forms have been created including a most interesting Minneapolis-St. Paul Metropolitan Council. Created by the State of appointive members, it exercises strong planning controls and control over utility extensions and planning. Other experiments exist such as special districts like Puget Sound and Portland where area wide services are provided by a second tier government.

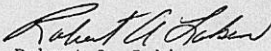
#### Summary

There are at least five major avenues to providing for services and resolving problems in metropolitan areas. They include annexation, development of urban counties, the use of contracting and/or transfer of functions, consolidation and federation. Annexation and transfer of powers and inter-governmental contracting do provide incremental and short range benefits. It would appear however that over the long haul a more basic need exists in terms of meeting the four criteria established by ACIR. It would be beneficial and indeed possible, if local governments are willing to examine the issue and are willing to set specific goals and establish their own criteria to undertake a more fundamental relook at the structuring of local government. As with any endeavor of this type, it would need strong leadership from the several segments of the community, a thoughtful and considered examination of the alternatives available for such restructuring, and a strong informational and information program within the community to communicate the goals, objectives, findings and proposed solutions.

Conclusion

It is my judgment that without a significant commitment for restructuring such as the development of consolidation and/or an urban county that it is within the best interest of the City of Wichita to continue with its annexation programs to protect its ability to grow. If at such time there are firm commitments made toward an urban county or consolidation, etc., then the annexation issue largely becomes moot.

In the event there are additional incorporations which preclude growth by the City of Wichita there will then be created, in my judgment, even greater pressures toward resolving the issue of financing and service equities. In fact such acts, if they should occur, indeed will force the day to when serious consideration will have to be given to basic restructuring of local government.

  
Robert A. Lakin  
Director of Planning

cc: Board of City Commissioners  
Board of County Commissioners  
Metropolitan Area Planning Commissioners

**THE CITY OF WICHITA**  
OFFICE OF CITY MANAGER

DATE

September 23, 1980

**RECEIVED**

SEP 23 1980

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
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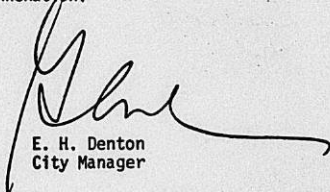
**TO** The Honorable Board of City Commissioners

**FROM** E. H. Denton, City Manager

**SUBJECT** Per Capita Expenditures of Cities

Attached is a graph showing per capita expenditures of cities of varying population groups. It is interesting to note that cities the population size of Wichita have per capita expenditures less than half that of the largest cities. Correspondingly, the smallest cities have a per capita expenditure half that of cities the size of Wichita.

We believe that much of the differences in per capita spending among large and small cities can be attributed to the "social overburden" of the large cities left with declining revenues to meet the problems of the poor and uneducated while the more affluent relocate to adjacent suburbs where they can still enjoy the benefits offered by the central city without contributing to the cost to support that city. It is this kind of situation that we hope to avoid by supporting orderly growth for Wichita through annexation.



E. H. Denton  
City Manager

EHD/tpd

Attachment

cc: Robert A. Lakin, Director of Planning  
David Furnas, Public Affairs Director

WICHITA-SEDGWICK COUNTY

DATE  
September 2, 1980

METROPOLITAN AREA PLANNING DEPARTMENT

TO E. H. Denton, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Managing Growth

The growth of any urbanizing area presents a number of problems. These are not new nor unique to the Wichita-Sedgwick County area. However this area by fortune of its past development (past policies and quality) is in a generally unique position to examine its future and make rational decisions about where and how its future is to be determined.

Problems most often identified with urban growth are:

- 1) flight of higher income residents and businesses to the fringe;
- 2) proliferation of special districts and units of government;
- 3) the inequities and diseconomies involved in central city financing of area services;
- 4) the coordination and timeliness of providing services;
- 5) service disparities;
- 6) inability to cope with areawide problems;
- 7) the decline of the tax base of the central cities;

These problems seem to have been handled differently by different communities and in different parts of the country. The result has been a search for a more efficient mechanism to deal with these problems including the restructuring of local government. Failure to deal effectively with these problems often has resulted in federal or state intervention. Examples of intervention have been in hazardous waste regulations, water and air quality regulations, intervention in the housing market and many, many more.

Restructuring of local government

Looking at the issue of restructuring local government, there has been much written on the subject. However, most of this writing has been done during the early 70's and not much has been done in recent years. The more significant body of writing on restructuring local government has been produced by

the Advisory Commission on Intergovernmental Relations (ACIR). This is a federally sponsored organization and was created by President Eisenhower in 1959. It contains as members, representatives of House, the Senate, officers of the executive branches of the Federal Government, Governors, Mayors, elected county officials and state legislative leaders as well as private citizens. It is a small but highly respected group of people who have examined in depth issues of governmental reorganization. A series of volumes have been published on this subject and are available for more extensive reading.

Although everyone probably has their own list of urban problems, the ones listed earlier are reasonably representative of problems identified in studies done in this area. The more common methods of trying to deal with these problems have been restructuring of local government in one of several ways. Included in these ways is (1) annexation, (2) the development of urban counties; (3) the use of contractual arrangements and/or the transfer of functions; (4) consolidation; and (5) the use of federated forms of government. Each of these have certain pluses and minuses and whole volumes have been written on the subjects which make it impossible to completely summarize in this paper. The ACIR did however, attempt to develop some criteria by which to evaluate the various alternatives that might be considered in reorganizing or restructuring local government. A summary of these criteria is as follows:

- "1. Economic Efficiency: Functions should be assigned (a) to jurisdictions large enough to realize economies of scale and small enough not to incur diseconomies of scale, (b) to jurisdictions willing to provide alternative service offerings to their citizens and to provide these public services within a price range and level of effectiveness acceptable to local citizenry, and (c) to jurisdictions that adopt pricing policies for appropriate functions whenever possible.
- "2. Equity: Functions should be assigned (a) to jurisdictions large enough to encompass the cost and benefits of a function or willing to compensate other jurisdictions for the service costs imposed or benefits received by them, and (b) to jurisdictions that have adequate fiscal capacity to finance their public service responsibilities and that are willing to implement measures that insure interpersonal and interjurisdictional equity in the performance of a function.
- "3. Political Accountability: Functions should be assigned (a) to jurisdictions controllable by, accessible to, and accountable to their residents in the performance of their public service responsibilities, and (b) to

jurisdictions that maximize the conditions and opportunities for active and productive citizen participation in the performance of a function.

- "4. Administrative Effectiveness: Functions should be assigned (a) to jurisdictions that are responsible for a wide variety of functions and so can balance competing functional interests, (b) to jurisdictions that encompass a geographic area adequate for effective performance of a function, (c) to jurisdictions that explicitly determine the goals and means of discharging public service responsibilities and that periodically reassess program goals in light of performance standards, (d) to jurisdictions willing to pursue intergovernmental means of promoting interlocal functional cooperation and reducing interlocal functional conflict, and (e) to jurisdictions with adequate legal authority to perform a function and to rely on this authority in administering the function."

In looking at the criteria for dealing with problems in metropolitan areas, less traditional ways are also being looked at with greater frequency. In addition to annexation, ways often looked at are city-county consolidations, transfer of functions and intergovernmental agreements, the urban county and the federation of local governments. Much has been written on these subjects. In each of these configurations the process of transferring functions or consolidation tend to blend with the actions of another activity such as development of an urban county and/or consolidation. The implementation of these types of proposals in various local units of government tend to vary significantly in each specific location. It is significant that many of the areas which have considered these other alternatives are also areas which have been foreclosed from annexation either by state law or by physical constraints.

Annexation - Although not often thought of as a restructuring of local government, annexation is precisely just that. Each annexation effects the corporate "charter" by expanding its geographic boundaries, adds new members to the corporation and expands both its responsibilities and its financial base. The act of annexation also, is a step to protect its future ability to grow. It is practiced by the big (Houston), the medium (Oklahoma City, Tulsa, Wichita) and the smaller cities (Derby and Haysville).

Annexation as a process is practiced most by cities in mid-central, the south and the west. For decades, older cities in the East have been precluded from annexing due to incorporations which have ringed them or by the existence of towns which perform many of the urban functions and freeze city boundaries. Many cities have been closed off from growth due to their inability to annex.

As an answer to growth problems, annexation has certain advantages. Some of these are that it:

- 1) More equitably spreads the cost of government borne by the Central City. Small fringe areas do not generate demands for major facilities, i.e. Kelloggs, Rock Roads, Pawnee Prairie and Chisolm Creek Semi Regional parks, Century II, nor for general overhead items such as a City Manager, Economic Development, Planning, police labs, computers, etc.), but collectively with other such areas and the center city, they bring about the need for the central city to undertake them. Failure by the central city of provide these areas with tangible services and the intangible services would visually show up in the quality of life not only for center city but for the fringe areas as well. What would life at the fringe be if Wichita did not maintain the level of police and recreation services for the existing city? Area wide services such as the Library, Art Museum & Parks & industrial development provide general benefits to the entire area. By annexing, especially the upper-middle residential, business and industry, those costs are more fairly supported. Essentially growing cities are more healthy than those who are not.
- 2) Assists in the coordination and provision of services. Without the geographic area under a single jurisdiction, actions such as provision of sewer and streets become more difficult. Problems in having multiple jurisdictions, exist in the timing of services, in legally initiating projects, in recovering costs from those who will benefit in the future but are not in the City do not participate in the financing of facilities and services. As a single example road construction where one-half is in one city and one-half is in another jurisdiction, presents real and practical problems. It took years with Eastborough, Wichita and the County to pave Woodlawn.
- 3) Provides room for future growth and allows the City to plan for services such as arterials, sewer, water, fire station, etc. If the city cannot grow out, the alternatives are non-growth or upward growth. Wichita has little area to infill. Greater densities on "up" are o.k. but may mean congestion and other problems. No growth means no way to renew an aging physical plant. Similarly social/economic problems generally increase with a city's age.
- 4) Allows services to be provided at a lower cost.

This however is debatable. As the city gets bigger, its overhead goes up and more specialized services are offered. On the other hand, capital intensive items like water treatment plants, water sources, and sewage treatment plants provide increased efficiency and costs are usually lowered. The issue of costs is more properly an issue of what services are paid for. This is the basic fringe area problem in that they do not normally want to "buy" the level or range of services existing in the Central City.

- 5) Raises the City's image in terms of marketing. Cities are generally ranked on size. It is important in marketing and economic development.
- 6) Reclaims community leadership. Annexation brings into the corporate fold many who could and should serve on advisory boards and even those who would run for office in the city. As decisions and policies made by the City affect those on the fringe, they should be in and a part of it. Even though people live on the fringe when they vacation or travel on business, they are from Wichita not Bel Aire or the Trees.
- 7) Preserves the tax base. This is closely related to No. 1. Even with a reduced reliance on the ad valorem tax, revenues will be generated either on income, sales tax, or the redistribution of state and federal taxes (such as gas tax and revenue sharing), all of which will be identified on the geographic site it generated from. It is therefore important to keep the tax base growing.
- 8) Provides a way to assume control of areas that have deficiencies in services or control, and which may be creating negative spillovers such as social problems or crime.
- 9) Can offset some of the fleeing to the fringe. If the idea of leaving the central city is negated, then the choice to relocate becomes one of "moving costs" rather than the cost of housing.
- 10) Provides for a better utilization of existing services and capital investment. This is especially true in Wichita where water treatment, distribution systems and sewer systems have been sized for growth. If the growth does not occur and duplicate facilities are built by others, the total cost of development will go up.

People historically object to annexation unless they are in dire straights for basic public services like water and sewer. There are several reasons. They are:

- 1) Taxes will increase. At the present people on the fringe buy their services selectively and do not take a full service package like Wichita. Even when promised "better" service such as police, they don't believe it or say they don't need or want it. As long as the areawide services are there, there is no overcoming these arguments about the selective buying of services and remaining a non-resident of the City. Few would live where they do if Wichita did not exist as a central city. An example of taxes based on 1980 budgets: Bel Aire paid 77.308 mills vs. Wichita 104.360. A 27.052 mill difference or 35% increase. On a \$50M home assessed at 10% value the tax bill will increase 135.26 a year from \$386.54 to \$521.80.

As a Virginia appellate court so pointedly put the matter:

"It is no answer to an annexation proceeding to assert that individual residents of the county do not need or desire the governmental services rendered by the city. A county resident may be willing to take a chance on police, fire and health protection and even tolerate inadequacy of sewer, water and garbage collection service. As long as he lives in an isolated situation his desire for lesser services and cheaper government may be acquiesced in with complacency, but when the movement of population has made him a part of a compact urban community, his individual preferences can no longer be permitted to prevail. It is not so much that he needs the city government as it is that the area in which he lives needs it."

The Kansas League of Municipalities annexation manual uses the following analogy:

"When the owner of the hot dog stand adjoining the city resists city annexation and asserts he does not need the city, what is he really saying? He is saying, 'I already have the benefits of the city's population density with its hundreds of hot dog lovers. I have the benefits of city streets providing access to the doorstep of my business. I have the benefits of all the city rules and regulations which in spite of their restrictive nature make the city a more agreeable place for all my hot dog lovers to

stay together. I just don't want any of the burdens that go with such benefits that hot dog stand owners have within the city.'

The unreasonableness of such a position requires no answer. Nor can it be asserted that because the adjoining land does not presently contain a hot dog stand the city has no justification in annexing it. The very fact the city exists in close proximity often changes the value and use of land from rural to urban. Why must the city wait until the hot dog stand is built?"

- 2) A loss of identity and sense of control they feel they have as an improvement district or small city (629 Dwelling Units - 2166 people). As a 100% of 2166 vs. 1% of 272M, they are more at ease with controlling their own destiny.
- 3) A feeling that fringe areas don't want the burden of Wichita's social problems, minorities, poor and crime. If they are in the City they will inherit some of it in their area.
- 4) Fringe areas, immediately following their incorporation, frequently require higher capital outlays than do older part of the city. This involves connecting streets and utilities to the city network and upgrading facilities. This is true in some of the older developed areas, but in the newer areas, standards match that of the City and should not be impactive in this regard.
- 5) Further, there is a question of whether there is an overall increase benefit due to economies of scale. Studies have shown that as cities grow larger, cost/capita increase. This has been directed largely to human service systems like police, welfare, etc. This is caused by additional hierarchical structure and higher salaries paid to employees of larger organizations. However this is often offset by economies of scale for capital/commodity intensive services like water, sewer, streets and similar services.

In summary, annexation is one way to restructure local government to more fairly distribute costs and to provide for a single unit in making policy. It has weaknesses due to the inability to get all of the area that is urbanized in the Metro area (such as Crestview and Timber Lake--a matter of timing and development of inbetween tracts). Also sooner or later you run into the older cities (Haysville, Goddard, Kechi, Andover) and this will ultimately block

growth. However this is a 2-way street as they too have a need and right to grow and in some directions, Wichita blocks them. Due to amount of growth required to bring this to pass, it maybe decades away in most instances. It is here that a more extensive re-examination of the role of local government could be fruitful (i.e. consolidation, urban country, etc.).

Legal Aspects of Annexation. Kansas has had until 1974 rather liberal annexation laws. Up to that time a city had only to follow the rules of what tracts could be annexed and pass an ordinance. Annexation wars in the Kansas City area produced the need to provide more structure as to when and how annexation could take place. The Kansas legislature has tightened the laws by reducing the size of tracts involved, excluded tracts over 55 acres used only for agriculture unless agreed to by the owner, required a public hearing, required a plan for services and allowing parties of interest to sue if they felt the law has not been followed. Land touching the city can be annexed when petitioned for by the owner without the plan for services and public hearing. Most of Wichita's annexations have followed this procedure during the last 5 or 6 years.

The State law now provides that annexation can occur when (a) the land is platted and some part thereof adjoins the city (b) the land is owned by or held in trust by for the city or any agency thereof (c) the land adjoins the city and is owned by or held in trust for any governmental unit other than another city (d) the land lies within or mainly within the city and has a common perimeter of the city boundary lines of more than 50% (e) the land if annexed will make the boundary line straight or harmonious in some part thereof adjoins the city except that no land in excess of 20 acres shall be annexed for this purpose (f) the land is so situated that 2/3 of any boundary adjoins the city except that no tract in excess of 20 acres shall be annexed under this condition (g) the land adjoins the city and a written petition for or consent to annexation is filed with the city by the owners. The city is precluded from annexing land and 55 acres or larger which is used only for agricultural purposes without the consent of the owner and is also prohibited from annexing down a highway in order to annex other lands. There is also a provision that land not adjoining the city can be annexed when it is petitioned by the land owner and after the Board of County Commissioners have held a public hearing and concur in such action.

In addition there is a provision that has not yet been used at least in this county whereas the governing body of any city can petition to the county for the authority to annex lands not otherwise authorized to be annexed under the provisions of KSA1973 Sup.12-520 (the preceding a-g conditions). This would include the annexation of lands that might not otherwise fall under the criteria of the acreage rules. A plan for services and the other requirements would still be a part of such proceedings.

Annexation Procedures. The State law does require a number of procedural steps be followed in any annexation except those where the landowner petitions the city and is adjacent thereto. The following steps must be followed:

- 1) the governing body instructs staff to prepare legal description map and plan for services
- 2) a service plan is approved by governing body
- 3) at the same meeting as "2", the governing body would adopt a resolution specifying a hearing date
- 4) a resolution and notice with map are mailed to property owners within 10 days of the adoption of the resolution
- 5) a resolution and map are published in the official newspaper one to two weeks before the hearing
- 6) a public hearing is held not less than 60 nor more than 70 days after the resolution is adopted
- 7) the annexation ordinance may be adopted
- 8) the ordinance is published and takes effect
- 9) property owners may file action in District Court challenging the annexation action within 30 days after publication of annexation ordinance

History of annexation in Wichita. Since its incorporation in 1871 Wichita has grown through annexation and continues to do so yearly. In 1871 Wichita's land area consisted of 0.29 square miles. During its early period the city remained fairly small despite property speculation activities that took place during the 1880's many miles around it and especially to the north. By 1910 Wichita had grown to 3.37 square miles. By 1960 Wichita had expanded its city limits to include 52.92 square miles. It was at this point that Wichita reexamined in its growth program and embarked on its "One Wichita" program which provided extensive annexation in the early 1960's. In this time period, Wichita annexed another 28.58 square miles and since that time has grown to over 100 square miles of land area. Rather interestingly most of Wichita's annexation since World War II has occurred in those areas served by the expansion of major water and sewer lines. Since 1971, the city has continued to annex property at an average rate of 1.36 square miles per year. Between 1971 and 1975, 7.42 square miles were annexed and between 1976 and 1979, 4.78 square miles had been annexed. The table following and the map show the annexations which have taken place between the years 1870 and 1979.

GROWTH OF WICHITA LAND AREA  
1970 - 1979

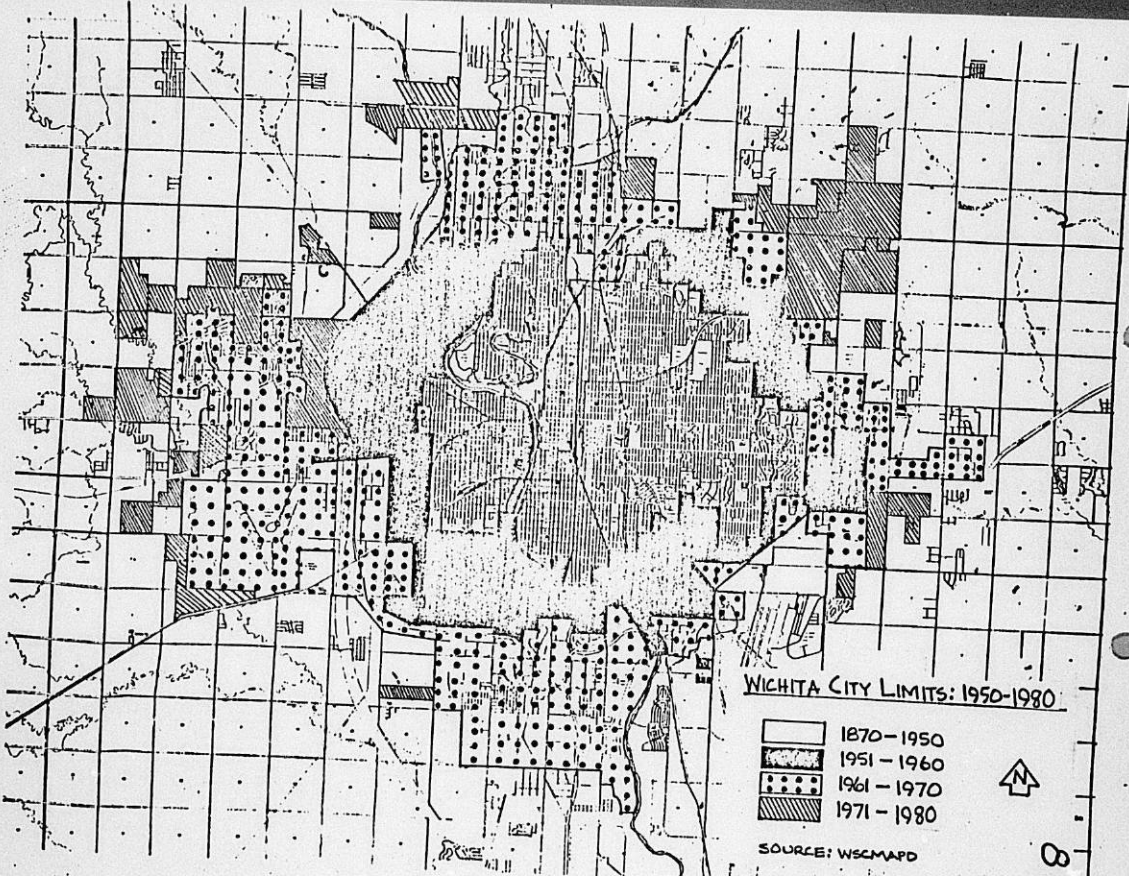
<u>Years</u>	<u>Annexed Land</u>	<u>Total Square Miles Of City (12/31/79)</u>
1871-1910	3.08	3.37
1910-1920	15.52	18.89
1920-1940	1.67	20.56
1940-1950	5.93	26.49
1951-1955	19.02	45.55
1956-1960	7.37	52.92
1961-1965	28.58	81.5
1966-1970	7.7	89.2
1971-1975	7.42	96.62
1976	.53	97.15
1977	1.0	98.15
1978	1.42	99.57
1979	1.83	101.40

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Source: MAPD, Current Plans Division, 1979

Wichita is not alone in annexation. Kansas Municipalities with population of over 2500 annexed a total of 187.7 square miles between 1970 and 1978. In 1978 annexations alone totaled 8.3 square miles. Of these, Wichita represented 17% of all annexations in the State. In rank order against the 50 states Kansas ranked 19th in land area annex between 70 and 78 and 30th in 1979.

Annexation in Relation to Comprehensive Plans. Basically Wichita's growth pattern has followed the comprehensive plan as expressed in several adopted plan elements. The general growth patterns for the Wichita area have been set forth in several reports. Probably the most significant report was the year 2000 sewer plan adopted in 1970. Earlier reports including the 1960 One-Wichita, the 1964 Transportation Plan, and the more recent Park and Open Space Plan and Water Plan show a general growth area for the City of Wichita. The essential area for that growth is along the Transportation axis particularly to the west and to the east with significant growth to the northeast. Moderate amounts of fill-in growth are also shown towards the north and to the south. These reports as well as showing growth for the City of Wichita, also suggest growth patterns for the smaller cities within the city and the improvement districts. Just as Wichita is projected to grow, so are the areas around Haysville, Derby, Valley Center, Park city, Goddard and others.

Three cooperative efforts have been undertaken recently to



WICHITA CITY LIMITS: 1950-1980

- 1870-1950
- 1951-1960
- 1961-1970
- 1971-1980

SOURCE: WSCMAPD



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determine the most efficient way for sewer services to be provided for growth areas. The first of these is the Four Mile Creek Area to the east in which Sedgwick County has established a sewer district and the City of Wichita is providing water services. The second of these is a study to determine the most cost effective method of providing sewage treatment in the area between Wichita and the Improvement District of Park City. The third area currently underway is the Cowskin Intercept Study for the west side and the updating of the year 2000 sewer plan. The Cowskin area, much of which lies within the City of Wichita, also has extensive areas outside the City of Wichita calling for a cooperative study for determination of how best to serve this area.

As indicated above, a number of plan elements have been adopted by the Metropolitan Area Planning Commission. The land use element which does speak specifically to growth areas, was adopted by the MAPC in 1978. The water plan also adopted by the Planning Commission shows growth derived from the patterns established in the land use plan. The adopted water plan establishes a need for well engineered, reliable water system both for quality urban living and for fire protection purposes. These plans propose compact growth adjacent to and contiguous to the existing Wichita urban area. Although not precise to each individual parcel, these plans are clear and concise enough to establish areas for urban services. This plan specifically was used by the City of Wichita in establishing the areas in which it would authorize the extension of water services outside the City subject to annexation agreements. This policy was established in early 1980. The land use plan supports an orderly growth pattern including infill of the existing city as well as expanded growth in selected areas at the edge. It is significant that this is a selective growth plan and is not one which would promote annexation in a "willie-nillie" fashion throughout the area and giving rise to what is known as urban sprawl. The possibility that projected directions of growth can be blocked makes the effectuation of such plans difficult and may potentially create problems related to acceptance by federal agencies who assist in financing these developments unless the local units of government have the capacity for carrying out the plans as adopted.

Transfer of Functions - Intergovernmental Agreements. one of the easiest alternatives to accomplish in restructuring local government is the transfer of a function to another unit of government which may have a better geographic base or financing base. Also the contracting of services is a popular way of handling service needs particularly in the California area and more specifically in the widely metropolitanized area of Los Angeles and San Francisco. There appears to be a tendency for larger units of government to enter into service agreements. The factor most often effecting the desirability of entering in such agreements is to achieve economies of scale in the provisions of services. The factor most inhibiting is probably the fear that the independence of action of the contracting agencies will be limited by such contracting.

The contracting device serves as an alternate to formal and more permanent transfers in that it allows the 1st unit of government to take back the function should it for any reason be dissatisfied. This process does not however deal effectively with placing the function with the most efficient and most equitable tax base unit. It has been common in many central cities to be somewhat reticent to extend water supply and sewer lines to suburban communities for fear that the exodus of citizens in business firms to the suburbs will be accelerated if they acquire the central city services.

Some observers to the reform of local government view that the use of large numbers of agreements is a desultory approach to the solution of service problems and it complicates the local governmental system making it even less responsive to the needs and wishes to the citizens. However, there is also a suggestion that unless local units of government gain experience and enter local service agreements, they may never arrive at the level of comfort which will permit a more fundamental type of collaborative endeavor. On the positive side, this has been a fairly popular arrangement, because it is pragmatic, it is piecemeal, it is permissive and not mandated and has had a minimal disruptive impact on the structure of local governments. On the other hand, it seems that most of the intergovernmental contracting or cooperation has occurred for those activities which provide the solution of relatively minor and fairly noncontroversial problems. The positive and negative side of this approach is that it is incremental.

Urban Counties - the development of urban counties is gaining greater attention throughout the United States. A recent article in the Wall Street Journal describes some of the current development in this area. Counties indeed have much to offer primarily because most often a county has the requisite geographic scope (particularly in single county SMSA's) to deal effectively with most urban problem. Even in an area like Wichita-Sedgwick County where the SMSA includes Butler County, Sedgwick County essentially contains the bulk of the urbanizing area minus Andover and Rose Hill. Similarly it should be noted that in every successful major metropolitan reorganization (excepting Minneapolis-St. Paul) there has been involved a single restructured county. Also the ability to provide a wide based tax support favor urban counties. The county has traditionally been the administrative agent for the state and only in more recent years has it begun to assume the responsibility for functions that cities have often performed. An urban county differs from old form counties primarily in its role of providing more urban services as a basic responsibility. This role is most often created by legislative edict or by voter approval of a special "charter" enlarging the power of the county.

The treatment of urban counties has been different in different areas where the county would assume governmental functions for area wide activities, while local functions which are single jurisdiction

in scope could be continued to be handled by the municipalities. In some areas there is still the question of whether or not the county should perform the services only in the unincorporated areas or on a county wide basis. In Kansas, Johnson County functions as an Urban County, although probably not to the degree that is thought of in the various papers on this subject. There was an attempt in 1976 to adopt a new county charter expanding the County role. It was narrowly defeated. There is currently in the legislature a bill for Wyandotte County which would make it more urban.

There is a wide range of possibilities among the examples as to what functions go county wide and what stays within the municipality. The typical area wide activities are mass transit, airport, education, solid waste disposal, sewage and sewage disposal, air pollution, water pollution control, water supply and highways. Other examples included fire, libraries, areawide Planning, areawide parks and recreation systems, special police services and redevelopment functions. Although much of the literature includes Dade county as a sole example of an urban county with a two tier service level, most people consider Miami-Dade County as a city-county consolidation. Some of the same problems of reorganizing at an urban county level also exists for the consolidations. Issues of fair representation between urban and rural populations, minorities and non-minorities and the professionalism of county government have been the issues in the past. Sedgwick County has in the last several years increased its professional capacity.

Consolidation. City-county consolidation has also been an increasing popular way to resolve metropolitan problems. Again, there have been all levels of such mergers including complete mergers under a new government which would be the most far reaching approach. Also a fairly common process exists where the city and the county join but many of the smaller jurisdictions remain as freestanding municipalities. Consolidation really falls into two classes. Those mandated by the states in the early 1900's i.e. Denver, St. Louis and New York have largely outlived their usefulness. They are now enclaved and face the same problems as many other old cities. The newer consolidations began in the 1960's and are still happening. Consolidation referendums are apparently taking place at a more rapid rate with some having been legislated by the state (Indianapolis). About 20% of the referendums held since 1969 have passed (10 of 51). Contributing factors identified have been the increase in federal regional coordination requirements such as related to grant and aide fundings on water, sewer, air pollution, etc. Federal court decisions concerning the equitable distribution of services over the metropolitan areas including housing and fiscal restraints which force localities to reconsider what were in the past at least politically unacceptable alternatives.

The main advantages in consolidations lie in providing a unified coordinated program of service development and a control

over an area that was previously served by a city and a county. Its goal is to simplify governmental structure thereby consolidating responsibility, eliminating duplication and better utilizing resources. The more significant problems that exist in consolidation is the tremendous amount of compromise needed to find an acceptable level of agreements. Usually these consolidations have occurred only where there is a fairly good rapport between the involved local units of government. Contributing significantly to the failure of consolidation effort is the inability to show that cost will be reduced, the dilution of minority voting patterns with the new unit of government and the fear of loss or control as the government goes up one tier and is larger in size. The suburban and rural interests have also shown the same fear and anxieties that minorities have towards loss or dilution of their power.

Federation. Very few examples of true federation exist with the most successful one being Toronto. Toronto reorganized itself into a two tiered layer of government with the municipalities retaining some local controls over services while the area wide controls go to the metropolitan level of government. The Metropolitan, or second tier of government is basically composed of representatives of the first tier. Other forms have been created including a most interesting Minneapolis-St. Paul Metropolitan Council. Created by the State of appointive members, it exercises strong planning controls and control over utility extensions and planning. Other experiments exist such as special districts like Puget Sound and Portland where area wide services are provided by a second tier government.


#### Summary

There are at least five major avenues to providing for services and resolving problems in metropolitan areas. They include annexation, development of urban counties, the use of contracting and/or transfer of functions, consolidation and federation. Annexation and transfer of powers and inter-governmental contracting do provide incremental and short range benefits. It would appear however that over the long haul a more basic need exists in terms of meeting the four criteria established by ACIR. It would be beneficial and indeed possible, if local governments are willing to examine the issue and are willing to set specific goals and establish their own criteria to undertake a more fundamental relook at the structuring of local government. As with any endeavor of this type, it would need strong leadership from the several segments of the community, a thoughtful and considered examination of the alternatives available for such restructuring, and a strong informational and information program within the community to communicate the goals, objectives, findings and proposed solutions.

Conclusion

It is my judgment that without a significant commitment for restructuring such as the development of consolidation and/or an urban county that it is within the best interest of the City of Wichita to continue with its annexation programs to protect its ability to grow. If at such time there are firm commitments made toward an urban county or consolidation, etc., then the annexation issue largely becomes moot.

In the event there are additional incorporations which preclude growth by the City of Wichita there will then be created, in my judgment, even greater pressures toward resolving the issue of financing and service equities. In fact such acts, if they should occur, indeed will force the day to when serious consideration will have to be given to basic restructuring of local government.

  
Robert A. Lakin  
Director of Planning

cc: Board of City Commissioners  
Board of County Commissioners  
Metropolitan Area Planning Commissioners

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

*Young*

MINUTES

OCTOBER 6, 1960 - EVENING MEETING

THE REGULARLY SCHEDULED EVENING MEETING OF THE METROPOLITAN AREA PLANNING COMMISSION WAS HELD ON THURSDAY, OCTOBER 6, 1960, AT 7 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS. THE FOLLOWING WERE PRESENT: CHARLES HARRIS, CHAIRMAN; ERLE JENNINGS; JOSEPH W. MEEHAN; EDWIN B. LAW; FRANK KESSLER; BILL MESKER; AND EMMETT BLOOD. ALSO PRESENT: L. L. LITTLE, DIRECTOR OF PLANNING, JERROLD A. MOORE, BERNIECE RATHKE AND OTHER MEMBERS OF THE PLANNING STAFF.

HARRIS ANNOUNCED THAT THIS IS THE FIRST EVENING PUBLIC MEETING OF THE PLANNING COMMISSION HELD TO CONSIDER POLICY AND PLANNING MATTERS ONLY. HE POINTED OUT THAT EVENING MEETINGS OPEN TO THE PUBLIC WOULD BE SCHEDULED AT 7 P.M. ON THE FIRST THURSDAY OF EACH MONTH HEREAFTER. HE ASKED THE DIRECTOR OF PLANNING TO PRESENT THE ANNEXATION SUMMARY REPORT, THE ONLY AGENDA ITEM.

LITTLE STATED THAT ON BEHALF OF THE STAFF HE WAS PLEASED TO SUBMIT THE SUMMARY REPORT OF THE VARIOUS DETAILED ANNEXATION STUDY AREAS, PREPARED UNDER THE SUPERVISION OF JERROLD A. MOORE, SENIOR PLANNER, CURRENT PLANS DIVISION. A NARRATIVE REPORT WAS PRESENTED IN CONJUNCTION WITH VISUAL SLIDES. THE PLANNING DEPARTMENT RECOMMENDATION IS THAT THE CITY COMMISSION INITIATE A PROGRAM TO MAKE "ONE WICHITA" A REALITY AS FOLLOWS:

- \* ADOPT THE 1961-1966 CAPITAL IMPROVEMENT PROGRAM AS THE POLICY FOR PROVIDING PUBLIC FACILITIES, PARTICULARLY IN THE ANNEXABLE AREA
- \* BRING ALL OF THE ANNEXABLE PORTION OF THE URBAN AREA INTO THE CITY IN THE SHORTEST TIME LEGALLY POSSIBLE, PREFERABLY BY THE END OF 1964
- \* CONTINUE THE POLICY OF PROVIDING PUBLIC SERVICES IN NEWLY ANNEXED AREAS AS RAPIDLY AS POSSIBLE IN SUCCEEDING CAPITAL IMPROVEMENT PROGRAMS
- \* INITIATE NEGOTIATIONS FOR REDISTRIBUTION OF TAX REVENUES TO MAINTAIN THE TOTAL TAX LEVY AT THE CURRENT LEVEL, AND SEEK LEGISLATION TO PERMIT THE CITY TO UTILIZE ADDITIONAL SOURCES OF REVENUES
- \* INITIATE REVISION OF WICHITA'S BUILDING CODES IMMEDIATELY TO MAKE ADEQUATE PROVISION FOR INDUSTRIAL OPERATIONS

- \* ADOPT AN AMENDMENT TO THE CITY ZONING ORDINANCE TO PERMIT THE COUNTY ZONING CLASSIFICATION OF LAND TO BE CHANGED TO THE MOST NEARLY COMPARABLE CITY ZONING CLASSIFICATION UPON ANNEXATION AND PUBLIC HEARING
- \* REQUEST A SPECIAL POPULATION CENSUS TO BE CONDUCTED BY THE U.S. BUREAU OF THE CENSUS UPON COMPLETION OF THE ANNEXATION PROGRAM
- \* SUPPORT THE COUNTY PROGRAM FOR COMPLETE RE-EVALUATION OF PROPERTY ASSESSMENTS.

AT THE CONCLUSION OF THE PRESENTATION, THE CHAIRMAN COMPLIMENTED THE STAFF ON THE REPORT AND INQUIRED IF ANY OF THE PUBLIC PRESENT WISHED TO MAKE ANY COMMENTS ON THE SUBJECT.

HUGH EDGERTON, PRESIDENT OF THE FOREST HILLS PROPERTY OWNER'S ASSOCIATION IN RELATION TO ANNEXATION BY THE CITY OF WICHITA, POINTED OUT THAT IN 1956 AN AGREEMENT WAS REACHED WITH THE PLANNING COMMISSION THAT ANNEXATION OF FOREST HILLS WOULD NOT BE RECOMMENDED TO THE CITY COMMISSION UNTIL ADEQUATE FIRE PROTECTION AND SCHOOL FACILITIES COULD BE PROVIDED BY THE CITY AND THE SCHOOL BOARD. HE POINTED OUT THAT SINCE THAT TIME THE COUNTY HAD CONSTRUCTED A FIRE STATION WHICH PROVIDES SERVICE TO FOREST HILLS AND THAT SCHOOL FACILITIES HAVE BEEN PROVIDED BY ENLARGEMENT OF MINNEHA SCHOOL. HE INDICATED THAT PROPERTY OWNERS IN FOREST HILLS ARE OPPOSED TO ANNEXATION UNTIL THE CITY AND SCHOOL BOARD CAN SUPPLY THE SAME QUALITY OF SERVICES WHICH ARE NOW AVAILABLE TO THEM AS NON-CITY RESIDENTS.

ROBERT M. MOORE, REPRESENTING THE CHAMBER OF COMMERCE, COMPLIMENTED THE PLANNING STAFF ON THE WORK AND PRESENTATION OF THE SUMMARY REPORT ON ANNEXATION, AS WELL AS THE 17 INDIVIDUAL STUDY AREA REPORTS.

JENNINGS INQUIRED WHETHER CONTRACTUAL ARRANGEMENTS COULD BE MADE WITH THE COUNTY TO CONTINUE PROVIDING FIRE PROTECTION TO OUTLYING AREAS IF ANNEXED. JERROLD MOORE STATED THAT THE PLANNING DEPARTMENT RECOMMENDATION IS THAT IF SERVICE AREAS ARE ANNEXED, FIRE STATIONS SHOULD ALSO BE ANNEXED AND UTILIZED BY THE CITY FIRE DEPARTMENT. IF SUCH STATIONS CANNOT BE UTILIZED BY THE CITY FIRE DEPARTMENT, THEN THE CITY WOULD HAVE TO BUILD ITS OWN FACILITIES. HE POINTED OUT ALSO THAT THE EXISTING COUNTY FIRE STATIONS ARE LOCATED GENERALLY IN ACCORDANCE WITH THE OFFICIALLY ADOPTED MASTER PLAN FOR FIRE STATIONS.

WESLEY SOWERS, REPRESENTING FRONTIER CHEMICAL COMPANY POINTED OUT THAT UNDER PRESENT ZONING REGULATIONS WHEN AN AREA IS ANNEXED IT COMES INTO THE CITY WITH "AA" ZONING. IT IS HIS BELIEF THAT IT WOULD BE LOGICAL TO GIVE LAND A ZONING CLASSIFICATION AFTER ANNEXATION COMPARABLE TO THAT WHICH WAS APPLICABLE IN THE COUNTY.

MR. SOWERS STATED THAT HE FELT CITY SERVICES SHOULD BE PROVIDED IF CITY TAXES ARE TO BE APPLIED. AREAS THAT DO NOT EXPECT TO GET CITY SERVICES HAVE SOME JUSTIFICATION IN OBJECTING TO ANNEXATION. HE POINTED OUT ALSO THAT THE CITY CODES AS APPLIED TO THE OPERATION OF INDUSTRIES ARE NOT ALWAYS EQUITABLE OR APPLICABLE. HE POINTED OUT THAT THE CITY COMMISSION IS TAKING ACTION IN THIS RESPECT AND THAT COMPLETION OF THIS WORK IS ESSENTIAL TO PERMIT UNINTERRUPTED INDUSTRIAL OPERATION AFTER ANNEXATION.

MR. SOWERS STATED THAT IT WAS HIS OPINION THAT INDUSTRIES SHOULD NOT EXPECT A "FREE RIDE". HE REFERRED TO SOME STATES WHERE SPECIAL PRIVILEGES ARE GIVEN, OR TAXES REDUCED OR ELIMINATED ENTIRELY TO ENTICE INDUSTRY. HE FELT THAT IF INDUSTRY DESIRES CITY SERVICES THERE IS A GOOD REASON WHY THEY SHOULD PAY THE CITY TAX RATE, BUT IF THEY DO NOT REQUIRE CITY SERVICES THEN THERE MAY BE CONSIDERABLE RELUCTANCE ON THE PART OF INDUSTRY TO PAY CITY TAXES.

MR. SOWERS COMMENTED THAT THE REPORT IS AN EXCELLENT ONE. HE COMPLIMENTED THE STAFF AND COMMISSION ON A FINE JOB.

MR. BACKSTROM, CITY MANAGER, REPORTED THAT THE CITY COMMISSION HAS RETAINED THE SERVICES OF MR. BASELER OF THE BUILDING OFFICIALS' CONFERENCE OF AMERICA TO ADVISE THE CITY AS TO BASIC REVISIONS OF THE CITY'S BUILDING CODES. HE INDICATED THAT MR. BASELER MET WITH REPRESENTATIVES OF INDUSTRY, ARCHITECTS, ENGINEERS AND CONTRACTORS. HE SUGGESTED THAT A TECHNICAL STUDY COMMITTEE BE CREATED REPRESENTING THESE AND OTHER INTERESTED GROUPS TO EXAMINE THE PRESENT CODE AND GIVE THE STAFF AND CITY COMMISSION GUIDANCE AS TO WHAT ACTION IS NECESSARY.

MR. BACKSTROM FELT THAT BY CONSULTATION WITH THE BUILDING OFFICIALS' CONFERENCE OF AMERICA BUILDING CODE PROVISIONS COULD BE DEVELOPED WHICH WOULD BE SUITABLE TO BOTH INDUSTRY AND THE CITY.

WITH RESPECT TO ANNEXED AREAS COMING INTO THE CITY WITH "AA" ZONING, THE CHAIRMAN POINTED OUT THAT THE PLANNING COMMISSION HAD PREVIOUSLY RECOMMENDED TO THE CITY COMMISSION THAT ZONING OF NEWLY ANNEXED AREAS BE BASED ON PRIOR COUNTY ZONING AND ALSO BE SUBJECT TO PUBLIC HEARING AFTER ANNEXATION.

LITTLE POINTED OUT THAT THROUGH THE CAPITAL IMPROVEMENT PROGRAM THE CITY CAN DECLARE ITS INTENT TO PROVIDE SERVICES TO NEWLY ANNEXED AREAS WITHIN A REASONABLE TIME AFTER ANNEXATION.

IT WAS POINTED OUT THAT THE STAFF IS STUDYING THE POSSIBILITY OF ESTABLISHMENT OF A SPECIAL ZONING DISTRICT FOR AGRICULTURAL USES.

**MOTION:** IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION ACCEPT, APPROVE, ADOPT AND RECOMMEND TO THE CITY COMMISSION THE PROGRAM CONTAINED IN THE REPORT "ONE WICHITA - GROWTH PROGRAM FOR THE 1960'S" AS PRESENTED, PROVIDED:

- THAT NO INDUSTRIAL AREAS BE ANNEXED UNTIL THE CITY BUILDING CODES ARE AMENDED TO RESOLVE IMMEDIATE CONFLICTS WITH RESPECT TO INDUSTRIAL OPERATIONS AND INSPECTION OF THOSE OPERATIONS;
- THAT THE CITY ZONING ORDINANCE BE AMENDED TO GIVE EFFECT TO PRIOR COUNTY ZONING SUBJECT TO REVIEW AND PUBLIC HEARING UPON ANNEXATION.

MEETING ADJOURNED ABOUT 9 P.M.

L. L. LITTLE, SECRETARY

STATE OF KANSAS) SS  
SEDGWICK COUNTY)

I, L. L. LITTLE, SECRETARY OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, DO HEREBY CERTIFY THAT THE FOREGOING COPY OF THE MINUTES OF THE MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HELD ON OCTOBER 6, 1960, IS TRUE AND CORRECT COPY OF THE MINUTES OFFICIALLY APPROVED BY SUCH COMMISSION.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, THIS 6 DAY OF October, 1960.

  
L. L. LITTLE, SECRETARY  
WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

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HOW SHOULD WE GROW?

**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN Planning Report**

A REPORT PREPARED BY THE METROPOLITAN  
PLANNING DEPARTMENT FOR AN INFORMAL  
PLANNING COMMISSION POLICY MEETING ON  
JULY 2, 1962.

HOW SHOULD WE GROW?

A REPORT PREPARED BY THE METROPOLITAN  
PLANNING DEPARTMENT FOR AN INFORMAL  
PLANNING COMMISSION POLICY MEETING ON  
JULY 2, 1962.

PURPOSE

THE PURPOSE OF THIS MEETING IS TO RECOMMEND THAT A POLICY DECISION BE MADE ON THE GENERAL FORM AND LOCATION OF FUTURE URBAN GROWTH AND DEVELOPMENT IN SEDGWICK COUNTY.

DELAY IN MAKING THIS DECISION WILL POSSIBLY MEAN 60 TO 80 MILLION DOLLARS OF STATE AND FEDERAL HIGHWAY FUNDS MAY NOT BE SPENT IN OUR METROPOLITAN AREA. FURTHERMORE, THERE CANNOT BE A COMPREHENSIVE PLAN UNLESS THIS DECISION IS MADE.

THE VIEWGRAPH PRESENTATION WHICH YOU ARE ABOUT TO SEE WILL BE SHORT. IT CONSISTS OF:

1. AN EXPLANATION OF COMPREHENSIVE PLANNING.
2. AN EXAMPLE OF COMPREHENSIVE PLANNING IN A TYPICAL CITY.
3. A PRESENTATION LEADING TO A RECOMMENDATION ON A POLICY OF HOW OUR AREA SHOULD GROW.

## COMPREHENSIVE PLANNING

PLANNING IS PREPARATION FOR THE FUTURE. PLANNING FOR A METROPOLITAN AREA SUCH AS OURS IS BASED ON THREE PRIME REQUIREMENTS:

- FIRST, COMMUNITY POLICIES FOR FUTURE GROWTH AND DEVELOPMENT MUST BE DETERMINED.
- SECOND, THESE POLICIES MUST BE EXPRESSED AS STATEMENTS AND MAPS IN A COMPREHENSIVE PLAN WHICH BECOMES THE FRAMEWORK FOR GUIDING GROWTH AND DEVELOPMENT. THIS PLAN IS PREPARED BY LOCAL GOVERNMENT IN COOPERATION WITH PRIVATE INDIVIDUALS, BUSINESSMEN AND COMMUNITY GROUPS. IT REPRESENTS A BALANCE BETWEEN PRIVATE PROFIT CONSIDERATIONS AND THE PUBLIC INTEREST.
- THE THIRD POINT IS THAT THE PLAN MUST BE ADOPTED BY THE PLANNING COMMISSION AND CONCURRED IN BY THE CITY AND COUNTY COMMISSIONS. THEN ACTION CAN BE TAKEN TO CARRY OUT THE PLAN'S POLICIES AND REALIZE GOALS SUCH AS:
  - BETTER, MORE EFFICIENT USE OF OUR LAND, WATER AND FINANCIAL RESOURCES
  - MAXIMUM USE OF OUR TAX MONEY...MORE EFFECTIVE USE OF PUBLIC FUNDS FOR PROVISION AND MAINTENANCE OF ESSENTIAL FACILITIES AND SERVICES

OUR COMPREHENSIVE PLAN IS SCHEDULED FOR COMPLETION IN 1964. IT WILL STATE COMMUNITY POLICY FOR GROWTH AND DEVELOPMENT AND WILL REPRESENT FIVE YEARS OF EXTENSIVE STUDY AS EXPRESSED IN THE NUMEROUS REPORTS WHICH YOU HAVE RECEIVED. THE PLAN WILL TAKE INTO CONSIDERATION THE FOLLOWING POINTS:

1. EXAMINATION OF PHYSICAL CONDITIONS AND PROBLEMS: LAND DEVELOPMENT, TRANSPORTATION, DETERIORATING AND OUT-DATED BUILDINGS, DRAINAGE, WATER SUPPLY, AIR AND WATER POLLUTION. THIS HAS BEEN COMPLETED AND IS CONTAINED IN A SERIES OF REPORTS INCLUDING PHYSICAL CHARACTERISTICS, FLOODING, WATER SUPPLY, AIR AND WATER POLLUTION, DEVELOPMENT STANDARDS, AND EXISTING LAND USE.

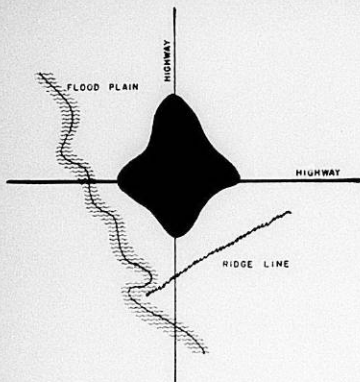
2. DETERMINATION OF ANTICIPATED POPULATION GROWTH AND FUTURE COMMUNITY NEEDS SUCH AS:

- ADDITIONAL LAND REQUIRED FOR DEVELOPMENT
- CAPITAL IMPROVEMENTS...PROVISION AND MAINTENANCE OF HIGHWAYS, STREETS, DRAINAGE, WATER AND SEWER FACILITIES, PARKS, SCHOOLS AND OTHER PUBLIC FACILITIES
- ESSENTIAL SERVICES INCLUDING POLICE, FIRE AND HEALTH PROTECTION AND REFUSE COLLECTION

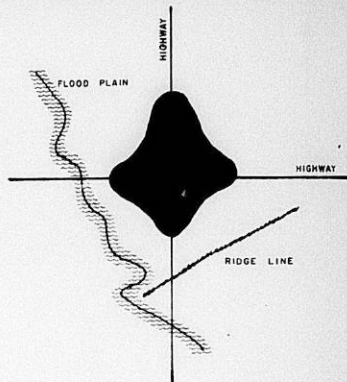
THIS HAS BEEN COMPLETED AND IS CONTAINED IN REPORTS SUCH AS THE ANNEXATION STUDY, THE ANNUAL CAPITAL IMPROVEMENT PROGRAM AND THE LARRY SMITH ECONOMIC STUDY.

3. STUDIES OF PAST, PRESENT AND FUTURE DEVELOPMENT COSTS. THIS HAS BEEN COMPLETED BY THE STAFF AS FAR AS GENERAL COSTS ARE CONCERNED.
4. DETERMINATION OF THE GENERAL FORM AND LOCATION OF FUTURE DEVELOPMENT. THIS IS THE POLICY DECISION WHICH IS CRUCIAL TO COMPLETION OF THE COMPREHENSIVE PLAN. THIS POLICY DETERMINATION SHOULD BE MADE NOW.
5. DETERMINATION OF FINANCIAL RESOURCES (LOCAL, STATE AND FEDERAL FUNDS) FOR ACCOMPLISHING PROPOSALS OF THE PLAN. THIS IS NOW UNDERWAY BY THE STAFF AND, POSSIBLY, CONSULTANTS.
6. MAXIMUM USE OF TOOLS FOR CARRYING OUT THE PLAN'S POLICIES:
- ZONING AND SUBDIVISION REGULATIONS
  - CAPITAL IMPROVEMENT PROGRAM
  - COMMUNITY RENEWAL PROGRAM
  - URBAN RENEWAL
  - STATE AND FEDERAL TRANSPORTATION PROGRAMS

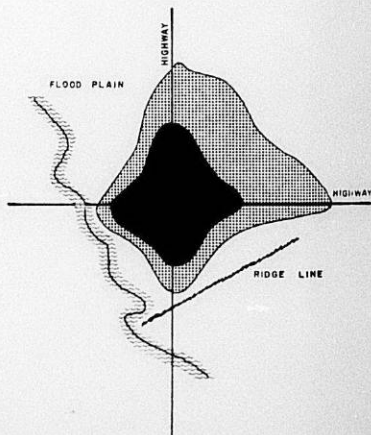
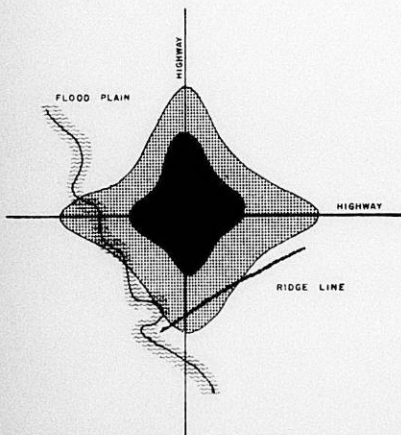
THIS IS BEING DONE IN CONJUNCTION WITH PREPARATION OF THE PLAN.



UNCONTROLLED  
GROWTH



GUIDED  
GROWTH



## COMPREHENSIVE PLANNING IN A TYPICAL CITY

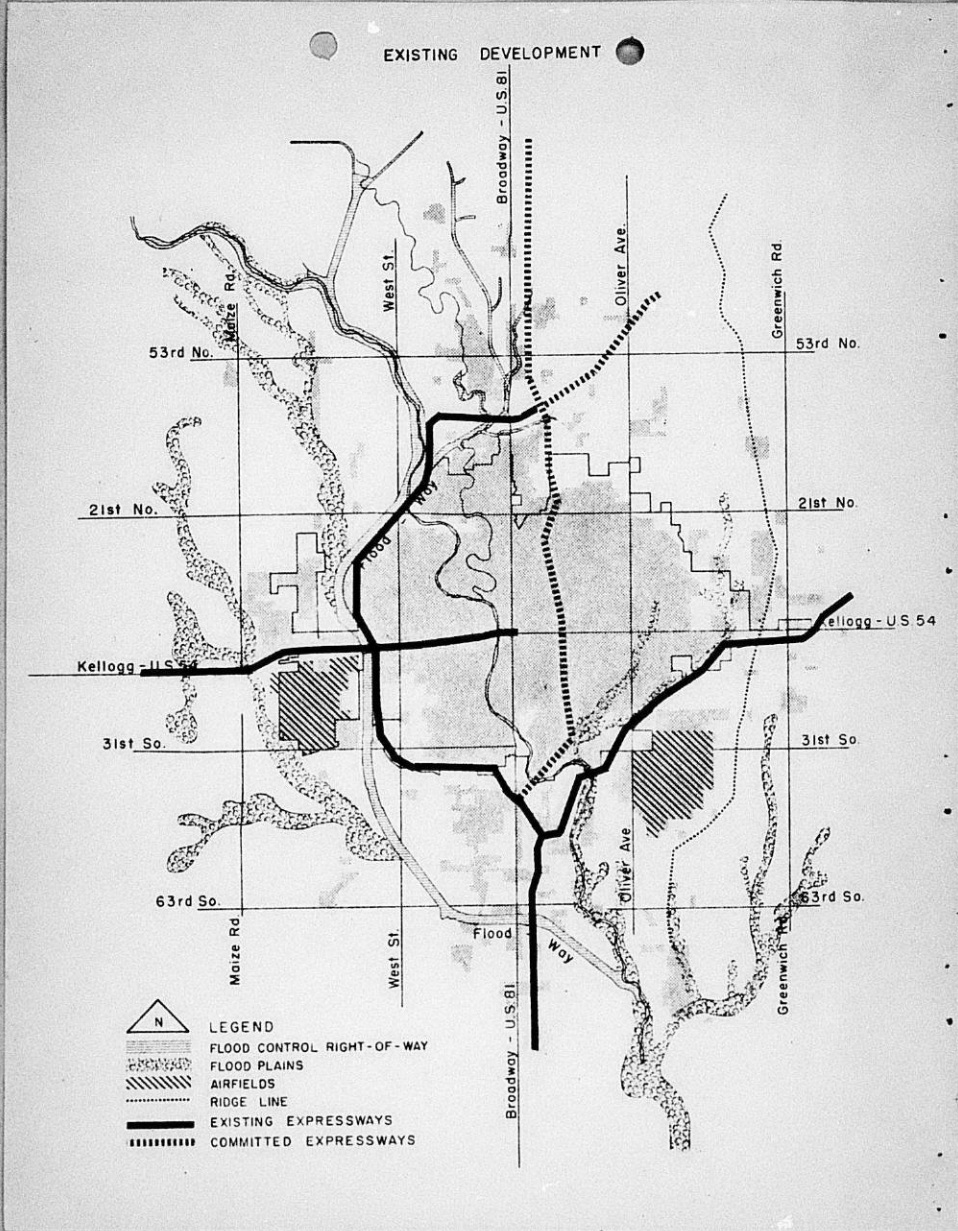
THE NEED FOR PLANNING CAN BEST BE SHOWN BY TAKING A TYPICAL CITY AND THEN, BY EXAGGERATION, INDICATING THE EFFECT OF GUIDED (OR PLANNED) VERSUS UNCONTROLLED (OR UNPLANNED) GROWTH IN THE CITY. IN THIS CITY UNCONTROLLED GROWTH WOULD ENCOURAGE DEVELOPMENT IN ALL DIRECTIONS, EVEN IN THE FLOOD PLAINS WEST OF THE CITY AND ACROSS THE MAJOR RIDGE LINE SOUTH OF THE CITY. THE SAME CITY WITH A POLICY OF GUIDED GROWTH WOULD PREVENT FLOOD PLAIN DEVELOPMENT AND DISCOURAGE GROWTH BEYOND THE RIDGE LINE UNLESS AN ADEQUATE SANITARY SEWERAGE SYSTEM COULD BE PROVIDED ECONOMICALLY.







THE IMPLICATIONS SHOULD BE READILY APPARENT. UNCONTROLLED GROWTH WITH LITTLE REGARD FOR PHYSICAL FEATURES WOULD RESULT IN CONSIDERABLY HIGHER COSTS FOR PROVISION AND MAINTENANCE OF PUBLIC AND PRIVATE IMPROVEMENTS AND WOULD BE A CONSTANT DRAIN ON THE CITY'S FUTURE FINANCIAL RESOURCES. GUIDED GROWTH, RECOGNIZING THAT PHYSICAL AND MAN-MADE FEATURES PREVENT ALL LAND FROM BEING EQUALLY DEVELOPABLE, WOULD ENCOURAGE DEVELOPMENT IN AREAS WHERE MAXIMUM EFFECTIVENESS WOULD BE GAINED FROM EXPENDITURE OF PUBLIC FUNDS.

THIS EXAMPLE, ALTHOUGH EXAGGERATED, INDICATES WHAT COMPREHENSIVE PLANNING SHOULD ACCOMPLISH. THE REMAINDER OF THIS PRESENTATION WILL BE DEVOTED TO:

- DEMONSTRATING THE APPLICATION OF COMPREHENSIVE PLANNING IN OUR METROPOLITAN AREA AND
- RECOMMENDING A POLICY REGARDING FUTURE GROWTH AND DEVELOPMENT - ITS GENERAL FORM AND LOCATION

EXISTING DEVELOPMENT



- LEGEND**
-  FLOOD CONTROL RIGHT-OF-WAY
  -  FLOOD PLAINS
  -  AIRFIELDS
  -  RIDGE LINE
  -  EXISTING EXPRESSWAYS
  -  COMMITTED EXPRESSWAYS

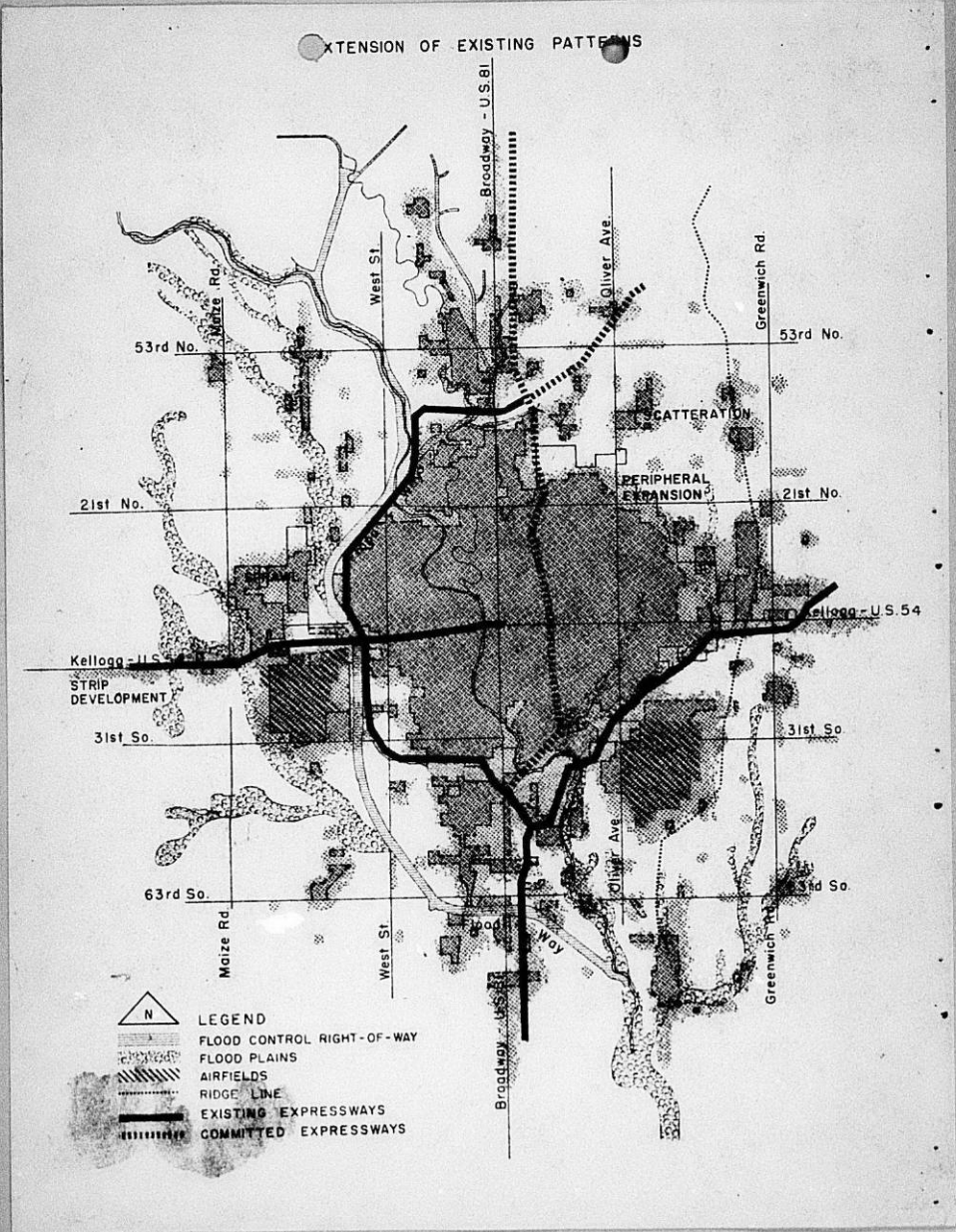
HOW SHOULD WE GROW?

THIS IS THE MAJOR POLICY WHICH MUST BE ANSWERED IN THE COMPREHENSIVE PLAN. BASICALLY THERE ARE TWO ALTERNATIVES - EITHER UNCONTROLLED OR GUIDED GROWTH.

THIS IS A MAP OF A LARGE AREA OF SEDGWICK COUNTY AND INCLUDES WICHITA AND ITS SURROUNDINGS. NORTH IS AT THE TOP AND PREDOMINANT FEATURES SUCH AS THE BIG DITCH, FLOOD PLAIN LAND ALONG THE MAJOR STREAMS, HIGH WATER TABLE AREAS, MAJOR AIRPORTS AND EXPRESSWAYS ARE EVIDENT. THE GENERAL FORM OF URBAN DEVELOPMENT IS A SPRAWLING MASS REFLECTING GROWTH BASED ON PAST AND PRESENT POLICIES AND REGULATIONS. DEVELOPMENT HAS OCCURRED IN ALL DIRECTIONS AND, IN MANY CASES, IN AREAS WHICH EITHER SHOULD NOT HAVE BEEN DEVELOPED BECAUSE OF PHYSICAL FEATURES OR WHICH SHOULD NOT HAVE BEEN DEVELOPED UNTIL PROVISIONS FOR ADEQUATE SEWER, WATER, PAVING AND DRAINAGE COULD BE MADE.

BEYOND THE LIMITS OF THIS URBAN MASS THERE IS A PATTERN OF DEVELOPMENT SCATTERED ALMOST AT RANDOM IN AN AREA OF ROUGHLY 100 SQUARE MILES. THIS DEVELOPMENT CONSISTS OF COMMERCIAL AND RESIDENTIAL USES STRUNG ALONG SECTION AND HALF SECTION LINE ROADS AND SUBDIVISIONS OF ALL SIZES AND SHAPES WHICH HAVE LEAP-FROGGED BEYOND EXISTING DEVELOPMENT. THE SUBDIVISIONS ARE LOCATED PRIMARILY IN AREAS WHERE LOW COST LAND WAS READILY AVAILABLE AND WHERE THERE WAS ACCESS TO HARD SURFACED ROADS PROVIDING A TIE TO EXISTING URBAN AREAS. UNFORTUNATELY, MANY OF THESE AREAS HAVE BEEN DEVELOPED WITH MINOR OR NO CONSIDERATION GIVEN TO PROVIDING ADEQUATE DRAINAGE, SEWER, WATER AND PAVING. IMPROVEMENT OF THESE AREAS WILL REQUIRE TREMENDOUS SUMS OF PUBLIC AND PRIVATE MONEY.

EXTENSION OF EXISTING PATTERNS



- LEGEND**
- FLOOD CONTROL RIGHT-OF-WAY
  - FLOOD PLAINS
  - AIRFIELDS
  - RIDGE LINE
  - EXISTING EXPRESSWAYS
  - COMMITTED EXPRESSWAYS

UNCONTROLLED GROWTH - EXTENSION OF EXISTING PATTERNS

UNCONTROLLED GROWTH BASED ON CONTINUATION OF PRESENT POLICIES AND REGULATIONS IS ONE ALTERNATIVE FOR DEVELOPMENT OF OUR METROPOLITAN AREA. GROWTH WOULD OCCUR AS IN THE PAST AND THE PATTERN WOULD BE:

- PERIPHERAL EXPANSION WITH MORE OR LESS EQUAL GROWTH IN ALL DIRECTIONS AND WITH LITTLE OR NO ATTENTION PAID TO LIMITATIONS IMPOSED BY NATURAL AND MAN-MADE FEATURES
- STRIP DEVELOPMENT WITH FINGER-LIKE GROWTH EXTENDING OUTWARDLY FROM THE URBANIZED AREA PRIMARILY ALONG HIGHWAYS AND MAJOR ROADS
- SCATTERATION WITH NUMEROUS SMALL AND LARGE BLOBS OF DEVELOPMENT LOCATED AT RANDOM IN A WIDE BAND AROUND THE MAIN URBAN AREA
- AND FINALLY SPRAWL WHICH WOULD BE A FILLING IN OF THE VACANT LAND BETWEEN STRIP AND SCATTERED DEVELOPMENT

IMPLICATIONS

THE MAJOR IMPLICATIONS OF THIS TYPE OF GROWTH WOULD BE:

- EXTREMELY HIGH PUBLIC EXPENSE (REFLECTED IN INCREASED TAXES) FOR EVENTUAL PROVISION AND MAINTENANCE OF IMPROVEMENTS; PARTICULARLY FOR ADEQUATE SANITARY SEWERS AND DRAINAGE IN MARGINAL AREAS. ENGINEERING STUDIES HAVE INDICATED THAT:
  - IN HIGH WATER TABLE AREAS, THE COST FOR SANITARY SEWERS OF ADEQUATE MATERIALS AND PROPERLY INSTALLED IS INCREASED BY MORE THAN TWO MILLION DOLLARS PER SQUARE MILE.
  - 1/2 MILLION DOLLARS OR MORE PER SQUARE MILE WILL STILL HAVE TO BE SPENT TO SATISFY MINIMUM DRAINAGE REQUIREMENTS IN LARGE, ALREADY DEVELOPED AREAS OF SOUTHWEST AND NORTHWEST WICHITA.

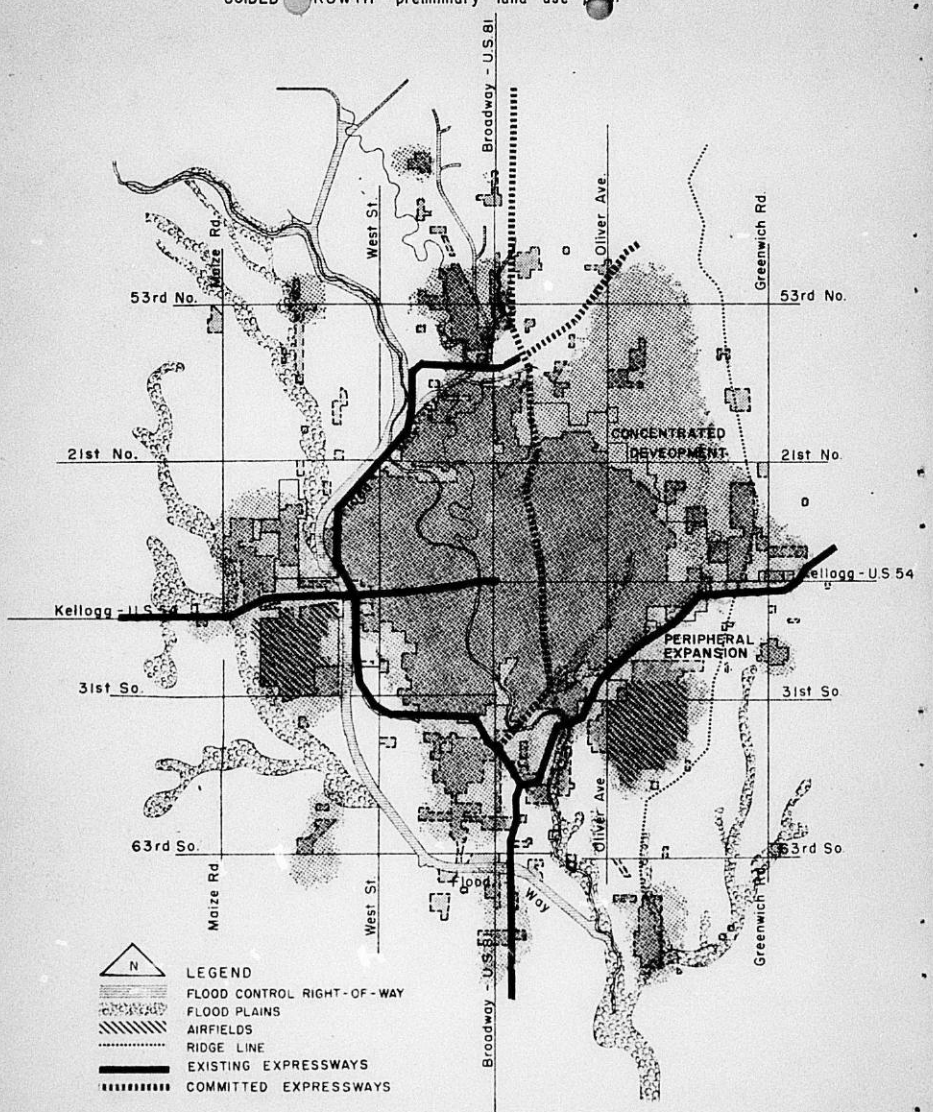
- PUBLIC LIABILITIES

PAST PRACTICE OF PERMITTING DEVELOPMENT IN MARGINAL AREAS AND NOT DISCOURAGING POOR DEVELOPMENT HAS RESULTED IN PROBLEMS SUCH AS:

- IN A RECENTLY DEVELOPED SUBDIVISION, 110 UNIMPROVED LOTS REPRESENTING \$80,000 IN DELINQUENT PROPERTY TAX SOLD FOR ONLY \$3,572 AT THE COUNTY TAX FORECLOSURE SALE.
- 54% OF ALL DWELLINGS IN ANOTHER SUBDIVISION ARE VACANT; MANY HAVE BEEN FOR SEVERAL YEARS.

POOR DEVELOPMENT BENEFITS NO ONE, BUT IT DOES SUBSTANTIALLY INCREASE EXPENDITURE OF PUBLIC FUNDS.

GUIDED GROWTH preliminary land use plan



#### GUIDED GROWTH

GUIDED GROWTH IS THE OTHER ALTERNATIVE FOR DEVELOPMENT OF OUR METROPOLITAN AREA. THIS TYPE OF GROWTH WOULD HAVE SOME PHYSICAL SIMILARITY TO UNCONTROLLED GROWTH IN THAT THERE WOULD STILL BE PERIPHERAL EXPANSION IN ALMOST ALL DIRECTIONS EXCEPT WHERE LIMITED BY NATURAL AND MAN-MADE FEATURES. HOWEVER, MAJOR GROWTH WOULD BE IN AREAS WHERE NUMEROUS STUDIES HAVE PROVED MAXIMUM EFFECTIVENESS WOULD BE GAINED FROM EXPENDITURE OF PUBLIC FUNDS FOR PROVISION AND MAINTENANCE OF ESSENTIAL FACILITIES AND SERVICES. WE WOULD LIKE TO EMPHASIZE THAT THIS IS NOT A FORCED GROWTH PATTERN BUT, ONE WHICH WOULD NATURALLY OCCUR IF FUNDAMENTAL DEVELOPMENT PRINCIPLES ARE FOLLOWED.

#### IMPLICATIONS

Now, WHAT ARE THE IMPLICATIONS OF GUIDED GROWTH? THIS TYPE OF GROWTH OFFERS MAJOR ADVANTAGES AND SUBSTANTIAL SAVINGS. FIRST, IT WOULD MEAN THAT, COMPARED TO UNCONTROLLED GROWTH, THERE WOULD BE A YEARLY SAVINGS OF ABOUT 1 MILLION DOLLARS FOR ESSENTIAL CAPITAL IMPROVEMENTS. IN ADDITION, IT WOULD:

- ENSURE MAXIMUM UTILIZATION OF OUR PRESENT 60 MILLION DOLLAR INVESTMENT IN WATER AND SEWER FACILITIES FOR SERVING FUTURE GROWTH
- MEAN LOWER ANNUAL MAINTENANCE COSTS FOR DRAINAGE, WATER AND SANITARY SEWER FACILITIES
- ENSURE MAXIMUM USE OF OUR THOROFARE SYSTEM, A 100 MILLION DOLLAR PUBLIC INVESTMENT
- RESULT IN ECONOMICAL PROVISION OF SERVICES SUCH AS POLICE AND FIRE PROTECTION, AND ESSENTIAL FACILITIES INCLUDING SCHOOLS AND PARKS
- PROVIDE INCREASED PROTECTION, LOWER COSTS AND A BETTER ENVIRONMENT FOR THE PROPERTY OWNER
- ENCOURAGE BETTER FUNCTIONING, MORE ATTRACTIVE LIVING, SHOPPING AND WORKING AREAS INTER-RELATED TO EXISTING DEVELOPMENT AND TO THE PRESENT AND PROPOSED TRANSPORTATION SYSTEM

SAVINGS - GUIDED GROWTH OVER UNCONTROLLED GROWTH

GUIDED GROWTH WOULD MEAN A LOCAL PUBLIC SAVINGS OF ABOUT 18 MILLION DOLLARS IN THE NEXT 20-25 YEARS FOR DRAINAGE, PUBLIC UTILITIES, LOCAL STREET PAVING, AND PUBLIC BUILDINGS. THIS FIGURE DOES NOT INCLUDE CONSIDERABLE SAVINGS FOR EXPRESSWAYS AND MAJOR STREETS.

RECOMMENDATION

FOR THESE REASONS IT IS OUR RECOMMENDATION THAT "GUIDED GROWTH" BE ADOPTED BY THE PLANNING, CITY AND COUNTY COMMISSIONS AS PUBLIC POLICY FOR THE GENERAL FORM AND LOCATION OF FUTURE URBAN DEVELOPMENT. IMPLEMENTATION OF THIS POLICY WOULD REQUIRE THE FOLLOWING ACTIONS:

- REVISION AND ENFORCEMENT OF SUBDIVISION REGULATIONS:
  - REQUIRE PROVISION OF ESSENTIAL IMPROVEMENTS IN ALL NEW AREAS AT THE TIME OF DEVELOPMENT... BY THE DEVELOPER IN COOPERATION WITH THE PUBLIC AGENCIES
  - PREVENT THE SUBDIVISION OF MARGINAL LAND FOR INTENSIVE URBAN USES
- AMENDMENT OF THE ZONING ORDINANCE AND RESOLUTION
  - INCORPORATE PROVISIONS FOR REGULATING DEVELOPMENT IN FLOOD PLAINS AND OTHER MARGINAL AREAS
  - REVISE CURRENT REGULATIONS FOR AIRPORT APPROACH ZONES
  - REVISE ZONING MAPS TO CONFORM WITH A METROPOLITAN AREA LAND USE PLAN BASED ON THE GUIDED GROWTH POLICY
- ADOPTION OF DEVELOPMENT STANDARDS AS GUIDES FOR ACHIEVING BETTER USE OF LAND, TO BE INCORPORATED IN THE REVISED ZONING AND SUBDIVISION REGULATIONS
- ADOPTION OF STRICT POLICIES FOR THE EXTENSION OF UTILITIES; OBTAIN LEGISLATION FOR THE ESTABLISHMENT OF A METROPOLITAN SERVICE DISTRICT
- INCREASED EXPENDITURES FOR ACQUISITION OF NEIGHBORHOOD AND AREA-WIDE PARK AND RECREATION SITES
- MAXIMUM USE OF URBAN RENEWAL TO ENCOURAGE PLANNED INDUSTRIAL DEVELOPMENT AND TO REHABILITATE DETERIORATING AREAS
- INITIATION OF PROGRAMS TO IMPROVE EXISTING NEIGHBORHOODS THROUGH PHYSICAL PLANNING AND CAPITAL PROGRAMMING

URGENCY

THE METROPOLITAN AREA TRANSPORTATION PLAN CANNOT BE COMPLETED WITHOUT AN ADOPTED POLICY ON THE GENERAL FORM AND LOCATION OF DEVELOPMENT ANTICIPATED IN THE AREA IN THE NEXT 20-25 YEARS.

AS PREVIOUSLY STATED A DELAY IN MAKING THIS DECISION WILL POSSIBLY MEAN 60 TO 80 MILLION DOLLARS OF STATE AND FEDERAL HIGHWAY FUNDS MAY NOT BE SPENT IN OUR METROPOLITAN AREA. WE CAN'T AFFORD TO MISS THIS OPPORTUNITY FOR STIMULATING DEVELOPMENT.

# Growth Management Workshop

## Introduction

Hugh J. Harwell

### Overview

Human communities of all scales exhibit some of the same patterns of growth and change as many other living systems. Three basic stages in the life cycles of most systems are initiation, growth and development, and maturity. The initiation of an urban system can occur with the establishment of a new settlement or as a response to a sudden change in the environment of an already existing community. However it starts, urban growth is largely driven by population growth and by people choosing to relocate to improve their quality of life.

Community growth and development involve rapid, resource-consuming changes producing greater size and complexity as more people arrive and seek to advance a common role and identity. At some point, expansion slows considerably. Under adverse conditions, it can even reverse. Growth rates can decrease either because population pressures diminish or because resources are depleted. Or, they may decline because improvement opportunities become less desirable, or because the community decides to regulate its growth and development. When a community reaches maturity, the last few urban elements required for adequate functioning and adaptability are filled in and the rates of resource consumption and transformation decrease to stable levels. Resources are redirected from building new urban structures to the operation, maintenance, repair, replacement, small-scale adjustments, and quality improvements of existing ones.

The result is a community of a relatively stable size. It has all necessary components fully developed, structurally integrated, and functionally coordinated. Thus, the community and its systems can operate independently, interact smoothly and efficiently, adjust to routine changes, and survive stress. It should even be easily able to generate new components and subsystems (or even whole new communities), in order to adapt to significantly varying circumstances.

Human organizations seem to have one distinguishing characteristic which is the ability to choose both their goals and the means for achieving them. The various urban growth management standards which some communities have developed in recent years can be viewed as conscious efforts to direct their difficult transitions from rapid growth to maturity, where changes are more subtle and controllable. In many cases, growth management rules have been established by communities which had previously functioned as fairly mature systems, but had had their stability upset by new outside forces.

While many natural systems provide examples of refined and effective growth management, most human communities today still lack fully efficient mechanisms. There-

fore, they are susceptible to the fate of many previous cities and towns which have had tumultuous histories of growth and decline. As in all other human endeavors, some of these failings may exist because less than altruistic motives have influenced growth management activities. However, where they have developed, most growth management efforts are well intended, stemming from common desires for orderly, smooth community development. Proponents of growth management usually seek to balance the types and rates of further growth with the needs of the community, the capabilities of its support systems, and the capacities of the resources upon which it depends. Thus, their primary interest is to benefit the community as a whole, by increasing its net efficiency and improving its long-term stability.

### About This Issue

Because growth management programs involve decisions about physical community development and the use of land resources, ULI—the Urban Land Institute, with its longstanding dedication to research and education in the land use planning and urban development processes, has devoted an on-going effort to reporting on the design and execution of such programs. Due to the increased activity and interest in this field throughout the United States and the world, ULI has intensified its monitoring in the last few years. The Institute began the Management & Control of Growth Series in 1975 with the publication of the first three volumes. Volume IV of this set followed in 1978. The latest publication in the series, *Growth and Change in Rural America*, has only recently been published, and another on legal issues is currently in preparation. In addition, several articles dealing with growth management have appeared in recent years on these pages as well as in ULI's periodical, *Urban Land*. The Institute also has conducted and participated in several seminars and workshops, the latest of which—part of ULI's Spring Meeting during late May in Dallas, Texas—was a 4-hour Development Workshop entitled, "Growth Management Programs: Will the 1980s Be the Decade of Limitations? A Case Study of Lessons Learned."

This issue of *Environmental Comment* is devoted to a comparative review of the presentations made during the Dallas Workshop. Its purposes are (1) to provide wider dissemination of the key proceedings to readers who were not able to attend the Dallas meeting, and (2) to facilitate evaluations by all readers of the accounts and views presented.

The actual Workshop format consisted of sequential presentations about growth management activities in six different communities by 11 speakers, each with a unique perspective on a given program stemming from his particular involvement in it. Following the speakers, six selected panelists gave their reactions to the programs and stated views about various growth management issues. Members of the audience then commented and posed questions which were addressed by speakers and panelists.

In the text that follows, the remarks of all the Workshop participants have been somewhat edited, distilled, and reorganized to give them continuity for the reading audience. It is hoped that the classification, attribution, and juxtaposition of these statements will be found objective, accurate, and constructive. Because it was necessary to take many remarks out of context and shift them around in order to tell more complete stories, make comparisons among the six programs easier, and elucidate key differences and similarities among participants' views, it is possible some misinterpretations have occurred, despite the fact that tape recordings have been carefully reviewed to minimize them.

So that the growth management situations of the six urban communities may more easily be compared, their stories are grouped together in repeated sequences under three successive classifications:

- Causes (stimuli, driving forces, and producers of growth management actions);
- Responses (actions taken); and
- Effects (results of the actions).

Within each category, the six communities are presented in the same order followed during the Workshop: Boca Raton, Florida; San Jose, California; Petaluma, California; Boulder, Colorado; Ramapo, New York; and Salem, Oregon. Following recaps of the towns' statuses, the participants' views and positions are compared on the following subjects:

- Growth Management Purposes;
- Growth Management Systems;
- Societal Values/Needs and Development Standards;
- Summary Opinions; and
- What Lies Ahead.

## Development Workshop Participants

### Co-Moderators:

Roy P. Drachman, Co-Owner  
Roy Drachman Realty Co.  
Tucson, Arizona

Paul O. Reimer, President  
Reimer Associates  
Burlingame, California

### Speakers:

Robert George  
Community Development Department  
Boca Raton, Florida

Richard W. Miller, Group Vice President  
Arvida Corporation  
Boca Raton, Florida

Lawrence Pegram, City Councilman  
San Jose, California

Dick Randall, Vice President  
The William Lyon Company  
Santa Clara, California

Frank Gray, Director  
Planning and Community Development  
Boulder, Colorado

William Lanning, President  
Boulder Realty  
Boulder, Colorado

Jack Keough, Administrative Assistant  
Town of Ramapo Boards and Commissions  
Suffern, New York

Milton B. Shapiro, Esquire  
Spring Valley, New York

John F. Larkin  
L.M.S. Engineers  
Pearl River, New York

Dr. Edwin Stillings, Chairman  
Political Science Department  
Willamette University  
Salem, Oregon

### Panelists:

Edmund N. Bacon, Vice President  
Mondev International, Ltd.  
Montreal, Quebec, Canada

Gary P. Cinti, Director  
The Planning Center  
Newport Beach, California

Robert L. Hoffman, Esquire, President  
Larkin, Hoffman, Daly & Lindgren, Ltd.  
Bloomington, Minnesota

Harold R. Imus, President  
Development Control Corporation  
Northfield, Illinois

Robert T. Nahas, President  
R. T. Nahas Company  
Castro Valley, California

Anthony J. Trella, President  
Mondex, Inc.  
Miami, Florida

### Audience Contributor:

Frank Schmidman, Esquire  
Washington, D.C.

## Growth Management Causes—The Compelling Forces Behind Six Municipal Efforts To Control Urban Development.

### Introduction

The specific impetus for a growth management program in each of the six communities discussed at the Dallas Workshop was unique. However, the general types of factors—very rapid development in unplanned locations, uncoordinated and costly public services, loss of land and resources for agriculture and other uses, inadequate government, and so forth—were often the same. These similarities and differences should be apparent in the following extracts from the proceedings.

### Boca Raton, Florida

Rick Miller said that Boca Raton did not start to grow until the early 1960s. He stated that in 1960 the population was under 6,000, whereas it is now over 60,000. According to Bob George, the city's growth cap was not established in response to any real crisis. The only particular growth and land use problem that he identified was the decreasing availability of public beach access due to private development of beachfront properties. He said the major factor behind the growth control move was the city council's failure to recognize the public's concern for maintaining a high quality of life in Boca Raton.

Similarly, Miller pointed to the combination of insufficient public leadership and a concerned populace. But he added a third major factor, an insensitive developer (his firm, Arvida Corporation) with major land holdings in the city. Miller said that this situation stimulated an "unusual coalition" of conservatives and liberals, many of whom were newcomers to Boca Raton—employees at IBM's new facility, faculty and students at the expanded Florida Atlantic University, and a very large group of retirees who arrived in the mid-1960s and early 1970s—without any real economic or historic ties to the city or dependence on its welfare. It was this coalition, he said, that pushed for growth controls.

### San Jose, California

Regarding the pressures that brought San Jose under growth management, Larry Pegram painted a more characteristic picture of rapid urban expansion accompanied by deterioration of both the central city and the natural environment. Reflecting on what had once been primarily a fruit-growing valley at the south end of San Francisco Bay, he reviewed 25 years of fast-paced urban growth that began with a boom in the 1950s. The boom resulted from a burgeoning electronics industry which developed in Santa Clara County to support the Korean War effort and the national space programs. According to Pegram, the growth of San Jose was facilitated by the FHA and VA loan programs, which made housing affordable to the average American and brought suburban tracts to the city.

During the 1960s, the trend continued at an even greater rate. Pegram cited an average of 14,000 new dwellings per

year completed in San Jose between 1965 and 1969. Throughout that decade, he said, the city waged an aggressive "annexation war," extending its boundaries in a patchwork fashion in opposition to the eight surrounding communities (seven of which were newly incorporated during one 6-year period).

This unbridled growth resulted in a pattern of "scattered, leap-frog development," which, according to Pegram, raised the marginal cost of public services for a dwelling on the urban fringe above the average cost for servicing a unit in the city's center. It also caused intense traffic congestion and increasingly long commutes. Furthermore, the vitality of the central city declined as commercial activity developed in the suburban areas. Finally, the quality of both San Jose's air and water diminished, the environmental movement began, the community awoke to its situation, and more people became concerned about preserving open space and controlling growth.

### Petaluma, California

The problems experienced by San Jose were similar generally to those of another San Francisco Bay community, Petaluma. Having previously been the Community Development Director for Petaluma, Frank Gray had played a key role in the development of its growth management system and was very familiar with its history. Therefore, he took the opportunity in Dallas to share his insights about Petaluma's activities.

With respect to the reasons for Petaluma's growth management effort, Gray focused directly on what he called the three "universal factors." The first, he said, was the residential growth rate, which, at 18 percent in 1970, was 10 times greater than that of the whole Bay area and well exceeded the city's ability to keep up with enough schools, utilities, and other public facilities. Secondly, Gray said that the type of housing available was "very unbalanced," because, even though the few existing multifamily units were old and in disrepair (although fully occupied), new construction had been almost exclusively middle-income, single-family detached. The third factor Gray identified was that virtually all new development had occurred in Petaluma's eastern valley, where it replaced valuable crops, covered fertile soil, and created a new population socially split from the older residents in the western hills.

### Boulder, Colorado

Without going into detail, Gray indicated that the situation in Boulder had been much the same as that of Petaluma before controls were instituted. He said the city could not afford to expand at a rate faster than the optimum. Bill Lanning reported that before passage of a growth control ordinance, Boulder's growth rate had been 1,100 dwelling units per year. Identifying a fundamental problem, he said that developers had too often taken advantage of the growth-by-right argument.

### Ramapo, New York

Like San Jose and many other towns that experienced rapid growth in the 1950s and 1960s, Ramapo had been a rural municipality dominated by farms and orchards. In 1956, the Tappan Zee Bridge was completed across the Hudson River, becoming a key link in the New York State Thruway. It was followed a year later by the opening of the Palisades Interstate Parkway from the New Jersey end of the George Washington Bridge, along the west side of the Hudson, and into Rockland County (the smallest county in New York). These road developments suddenly made Ramapo (the county's largest town) accessible to New York City's metropolitan population. Soon thereafter, the town was transformed into a growing "bedroom community" of people who commuted to and from the city.

Jack Keough reported that the town's government was unsophisticated and unprepared for growth. It lacked adequate facilities—such as schools, sewers, and storm drainage systems—and it was forced into a posture of reacting to development rather than planning for it. Ramapo was so ill-prepared, uninformed, and pressured by development interests, that at one point the town approved a subdivision that was built in a lakebed only temporarily dry because of a few years of drought that ended in the mid-1960s. Furthermore, Keough implied, many new residents found their taxes increasing beyond expectations, because of the rising costs of town services. John Larkin summarized the problem as a need for a "satisfactory housing situation at reasonable cost."

### Salem, Oregon

Ed Stillings and John Miller made a few comments about the reasons for the development of a growth management plan for Salem. Stillings said the city had one of the highest growth rates in Oregon, recently developing at a rate of 400 acres per year. He mentioned that both rapid growth and "leap-frogging" developments had produced high public utility costs which were expected to increase further to unacceptable levels in the near future. Miller also referred to the existence of unused urban land and cited the poor quality of past developments as a factor, while Stillings said inadequate roads connecting to outlying subdivisions caused traffic congestion on neighborhood streets.

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Each problem-solving approach was unique to the individual situation.

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Perhaps Frank Gray identified the fundamental phenomenon responsible for the formation of "comprehensive growth management implementation programs" across the country. He stated that all readers of modern thought should have seen these programs coming as a natural reaction to rapid change. Alvin Toffler's best-selling book, *Future Shock*, presented the message that resistance to change increases in direct relation to the rate of change.

## Growth Management Responses—The Reactions of Six Communities To Urban Development Problems

### Introduction

While all the communities discussed at the Dallas Workshop had faced the common problem of excessively fast urban growth, the preceding section has shown that the manifestations of this growth varied somewhat in type, and even more in specific characteristics. Just as each town's particular combination of urban development problems was unique, so too were the elements of its available response mechanisms—governmental organizations, public policies, planning processes, legal authorities, financing systems, and the values of its citizens, interest groups, and public officials. Therefore, each problem-solving approach was unique to the individual situation.

A number of different growth management techniques used by the six communities were identified by Workshop speakers. Although a few of them have been employed by several towns, no one device has been used in all six. Similarly, although there are fewer legal forms for instituting growth management than there are possible provisions and some mechanisms are fairly common, no one specific type of vehicle (other than legislative action in general) has been used by all the communities examined. Thus, the following synopses extracted

from the workshop presentations reveal six distinct growth management systems, which nevertheless exhibit some recurrent forms and provisions.

### Boca Raton, Florida

Reacting to their perception of impending overcrowding and an associated reduction in their quality of life, and seeing no action coming from their city council (which Rick Miller said still does not provide leadership), the citizens of Boca Raton decided to act themselves. First, they accumulated 5,000 signatures on a petition calling for a public referendum, after which 41 percent of the electorate passed the initiative imposing on the city a "growth cap" of 40,000 dwellings.

The intention, according to Bob George, was to stabilize the population at a maximum of 105,000. However, he said, the referendum did not prescribe any means for implementing the restriction. Therefore, the city council reacted in several ways. On the one hand, as Rick Miller pointed out, the city purchased \$33 million of beachfront properties to prevent their development, helping ensure that the population limit would not be surpassed and that public recreation opportunities would

be preserved for the future. In addition, the council imposed development moratoria and arbitrarily passed downzoning amendments. George said that these actions were taken without due process, resulting in a polarization between the city and developers and a flurry of legal actions. Miller said that at one point there were 21 active lawsuits between the city and various landowners.

As the largest single landowner and taxpayer in Boca Raton, with about 3,300 acres in 1972, Arvida Corporation had the number of dwelling units permitted on its holdings reduced from 18,000 to 8,000 by the city's implementation of the cap. Facing such a drastic reduction in development potential, Arvida pressed suit and convinced the court to order the zoning changes reversed. However, the court also ruled that the cap concept was legal, requiring only that the specific number be established through a rational process. Following the circuit court ruling in 1977, the city developed a growth control economic model to analyze the effects of the cap and compare them with those of alternative growth control methods. According to Bob George, this model was created, in part, because the city could get little meaningful impact information from developers, who were afraid it would be used against them.

#### San Jose, California

According to Larry Pegram's description, the citizens of San Jose have played responsible roles in many of their city's growth management actions. They began in the 1960s by voting to defeat proposed municipal bond issues, which denied funds for public capital improvements needed to support continued growth. Then, in 1968, the public participated in the first community-wide effort to develop and adopt goals for the city. This was followed in 1970 by the city council's adoption of San Jose's urban development policy, which called for future development to occur in an "orderly, planned manner," intending that it ultimately produce "a balanced composition of industrial, commercial, residential, and public uses which preserve and enhance the existing environment." Pegram cited the policy's directive to the effect that "urban development should occur within the city boundaries where urban facilities and services exist, or where they are funded by new construction."

In 1973, San Jose took a more substantive step, passing "Measure B," to which Pegram referred as a mandate for a growth management plan employing net benefit analysis, performance targeting, and monitoring procedures. The measure prescribed funds to be established for capital facilities and shifted the city tax burden to industrial users of public services. In addition, Pegram said, the city formed public task forces to establish goals and directions for San Jose's growth management plan. Through a series of public hearings, they explored alternative forms and sizes for the city, which evolved into a well-supported land use plan, commitment to an urban strategy for achieving balanced growth, and guidance for coordinating land use and transportation planning.

San Jose has used a number of tools and techniques to implement its growth management plan. Larry Pegram

identified several tools, including development moratoria, limits on land areas available for development, and "pay-as-you-grow developer-cost pass-throughs." He also mentioned that some citizens have contributed by practicing the philosophy (advocated by California Governor Jerry Brown) of lowering expectations and developing lifestyles suited to "an era of limits."

#### Petaluma, California

Frank Gray briefly summarized the growth management response in Petaluma, stating that the city first conducted a review of available planning methods and implementation techniques, resulting in the city council's adoption of a 5-year, intermediate-range plan. The council then developed and adopted a new implementation technique designed to restore balance in the rate, type, and location of residential growth. This "Comprehensive Residential Development Control System" (subsequently challenged by lawsuits carried all the way to the U.S. Supreme Court) was then integrated into a "Comprehensive Growth Management System," which included efforts to increase public services as well as industrial and commercial development.

#### Boulder, Colorado

Boulder's growth control ordinance (passed as a voter initiative) was modeled after Petaluma's program, although Gray pointed out that it only imposes restrictions on residential development. Bill Lanning specified that dwelling units were limited to 450 per year, with 175 allowed in the central core and 275 in the peripheral area. Plans for these units must be approved under Boulder's merit system, which Lanning said allows no room for negotiation between the city and developers, providing only for approval or disapproval. In addition, Lanning cited other restrictive measures taken by Boulder, including sewer and water limitations, zoning and annexation requirements, and an active open space acquisition program which has secured about 8,000 acres (much of which Lanning felt would be suitable for development).

#### Ramapo, New York

After 8 years of growing pains following completion of the highway projects which made Ramapo easily accessible from New York City, its town government shouldered the responsibility of acting to relieve the pressure. Jack Keough reported that the town began planning in 1964 with a federal comprehensive planning assistance grant under the Department of Housing and Urban Development's 701 program. In 1965, Ramapo's uncontrollable and unpredictable tax increases stimulated a "taxpayer revolution," with growth management becoming a principal political objective of a new town administration elected over incumbents.

Following 2 years of planning and public hearings and a 6-month moratorium, the town adopted its master plan in July 1966. In December of that year, it revised the zoning ordinance to conform with the plan. A new official map was published in 1967, followed in 1968 by revised subdivision regulations. In 1968, Ramapo also adopted its first 6-year capital improvements plan and began

public hearings on further zoning changes that became recognized as its growth control device. According to Keough, the new regulations (which were redrafted after the hearings and adopted by the town in October 1969) completed the growth management system that had evolved from the 1966 comprehensive plan.

Under the 1969 law, residential development became a special permit use, rather than a use by right. The town now requires special permits before accepting subdivision applications for review by the planning board. A permit is issued by the town board on the basis of a development proposal's score on a point system involving five growth coordination factors. These include the availability of public sewers, the adequacy of downstream surface drainage capacity, the proximity to recreation facilities, the proximity to firehouses, and the adequacy of public roads. Schools were not included because the town board has no authority over them and therefore cannot control their availability.

John Larkin said that Ramapo had determined that a 5 percent annual growth rate would be manageable in relation to the unused capacity built into its existing infrastructure, its planned capital improvements program, and its revenue expectations. Therefore, the point system was intended to limit growth to 5 percent and direct it to where adequate services would be available. Theoretically, the system would allow a maximum of 23 points for one development. Although Larkin stated that this was not actually possible for most undeveloped properties, he pointed out that tax maps showed enough developable parcels rating 15 points to allow the 5 percent growth increment to be achieved.

Larkin noted that the point system was complemented by a new capital improvements program designed to "extend the necessary municipal services throughout the remainder of the developable area of the town in 18 years," at a rate which would add enough land with 15 points to maintain the 5 percent growth pace. Thus, all landowners lacking the 15 points for their sites were given indications as to when they might expect sufficient services to allow them to develop. The system gave them the option of waiting for their properties to mature in this fashion, or of accelerating the process, either by contributing enough funds to the capital improvements program to buy the necessary points from the town, or by building the required improvements themselves. Keough said that most likely the last option would be economically feasible only if the 15 points could be reached by adding drainage improvements or recreation facilities before the town did so.

#### Salem, Oregon

Ed Stillings recapped the history of Salem's attempts to guide growth. In 1973, Salem and its two surrounding counties approved the "Salem Area Comprehensive Plan" and designated an urban growth boundary encompassing 73 square miles centered on the city, which covers half that area. Oregon then established the state Land Conservation and Development Commission (LCDC), which subsequently adopted 19 goals having the force of law. Since late 1977, Salem and the two counties have

been reviewing the comprehensive plan to make it compatible with the LCDC's broad goals.

Two LCDC goals dealing with urbanization and housing pertain especially to growth management. The first requires designation of a growth boundary separating urbanizable from rural land on the basis of both a "demonstrated need to accommodate long-range urban population growth requirements, the need for housing, employment opportunities, and livability," and the "orderly and economic provision of public facilities and services." The housing goal calls for inventories of buildable lands and plans which "encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density."

Responding to the first part of the LCDC's housing goal, Salem performed an inventory of vacant land, defined as either parcels supplied with sewer and water services which could be annexed by the city in the foreseeable future, or subdivisions remaining to be built. Stillings said that enough such land was found for 5 years of development activity. In 1978, Salem's voters passed a \$3.5 million bond issue for park land acquisition, which would be adequate for the amount of park space needed within the urban growth area. (No funds, however, were provided to develop the new parks.) In addition, the city began developing an urban drainage management plan to be completed in 1981.

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#### Although specific residential growth goals were achieved, each community experienced certain side effects.

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Attempting to coordinate these various efforts, as well as to alleviate the increasing burden on ratepayers and taxpayers caused by distant new developments requiring costly sewer, water, and road extensions, Salem formulated a proposed growth management plan for consideration by the city council. Ed Stillings and John Miller identified several goals for the plan, including:

- Shifting some of the extra costs of new growth from ratepayers to developers and their buyers;
- Generating capital in proportion to new growth in order to extend streets, sewers, and water lines to new areas at the least cost to the public and private sectors;
- Encouraging development of vacant land where facilities already exist or can be provided at the least public cost;
- Ensuring that urban fringe developments meet standards for adequacy;
- Upgrading deficiencies in the more developed core of the city;
- Limiting growth to those areas expected to be annexed within 10 years;
- Allowing new development anywhere within the urban growth boundary, if developers pay for required improvements; and

- Maintaining a continuous 10-year supply of serviced, developable land to avoid artificial shortages and consequent price increases.

Stillings described the components of Salem's proposed plan. First, the plan called for designating the Current Developed Area (CDA), covering all "residential and commercial development [which] is complete, contiguous, and . . . reasonably compact and all approved subdivisions. He said the CDA basically matched the area served by existing urban services. The growth management provisions were not to be applied to the CDA, necessitating a separate program to upgrade the substandard facilities within it. Stillings also indicated that the proposal "recommended that the city should work to maintain a running 10-year inventory of developable land."

To prevent more subdivisions being built without adequate connections to major transportation routes, the proposed plan called for 2 miles of arterials and 2 miles of collector streets to be built for every 640 acres of residential development. These standards were determined by Salem's City Traffic Division to match existing ratios in the city and assumed an average of four houses per acre, each generating 10 vehicular trips a day. Also in relation to arterials and collectors, the plan stipulated both a prohibition on direct access to single-family dwellings and limitations on access to multifamily residences and commercial developments.

The plan recommended that the city's capital improvements program provide arterial and collector road extensions in 1/4-mile increments, but Stillings mentioned no proposed construction rates for water and sewer lines, nor how the city's road-building program would be funded. He did note that the plan suggested that developers wanting to build on unimproved sites be required, at their own expense, to fully improve all bordering or abutting streets and all those connecting to the Current Developed Area. In addition, the plan called for developers of such sites to provide all necessary sewer and water extensions. Their option, of course, would be to wait for the city's improvements. Developers making such improvements, however, would be entitled

to reimbursements from subsequent developments using the same facilities within 10 years.

Under the proposed growth management plan, the costs of Salem's sewer and water facilities specifically required to serve urban expansion areas would be paid by either a new real estate transfer tax of 1 percent on the sale price of all properties sold within the city limits, or by an additional development charge of \$0.131 per square foot of property for each new residence outside the Current Developed Area. Annual development of new parks was assumed to require 17.76 acres and \$532,000 to complement the 400 acres per year of projected residential development. It was recommended that new park development also be funded by either the same transfer tax or by a further development charge of \$333 per new unit. Revenue from the transfer tax would be allocated to improvements in new and old parts of Salem by a 40/60 ratio, whereas the development charge funds would go only toward projects in newly developing areas. In either case, the monies would not go into the city's general fund, but would be earmarked for specific programs to be designated by the city council.

*Editor's Note: The proposed growth management plan as outlined here was submitted to Salem's City Council the day following the ULI Workshop in Dallas. According to further information provided by Dr. Stillings, the city took the proposal under consideration and referred it to the Salem Planning Commission for review and comment. At press time, hearings and discussions were still continuing on a few controversial provisions. Some developers objected to the street standards and to the small size of the Current Developed Area, as proposed. Stillings reported that the council members had not yet responded to these objections, but he felt they would probably expand the CDA and might defer the street standards section for further consideration before acting on the proposal. Stillings also stated that the council members had postponed evaluation of the funding alternatives until their positions on the other matters were resolved. Nonetheless, he observed that the city manager and several council members were optimistic about gaining council approval, at least in principle, by July 23rd, or at the latest, by the end of August.*

## Growth Management Results—The Effects of Growth Management Actions on Six Communities

### Introduction

Speakers at the Dallas Workshop reported that, although each case study municipality had a different approach, all five which had instituted growth controls had reduced growth rates. While the specific residential growth goals were achieved, each community experienced many side effects particular to its own situation. A few impacts, however, occurred with some frequency. For example, land values—and therefore housing costs—were apparently often affected, sometimes increasing, sometimes decreasing. Project approval timing (and, consequently, land carrying costs and house prices) in-

creased, and heavy legal costs accrued from lawsuits challenging the controls.

Some programs have triggered development of vacant urban lots and of higher density projects than had been built previously, and, in several cases, public services have been improved. In a few case study communities, some commercial and industrial growth and redistribution have occurred, beginning to bring balance to land use patterns, traffic flows, economic bases, and employment/residential opportunities. (Eventually, this may con-

## Growth Management

tribute to fuel conservation.) The restrictions and costs in a few of the municipalities have forced some developers to build elsewhere, shunting unaccommodated growth to towns lacking growth controls.

Many of these additional effects were deliberately created as steps in attaining the residential growth goals, or were expected as corollary results. Sometimes, however, they were not anticipated or were not found desirable. As the following descriptions will show, many speakers also identified growth problems that remain unimproved in the various communities because no direct efforts to manage them have yet been made. These undesirable effects and persistent problems may be tackled by further controls and programs as the respective municipalities continue to refine and improve their management capabilities.

### Boca Raton, Florida

Bob George indicated that Boca Raton's growth cap had fulfilled some of its intended goals, enhancing existing property values, thereby increasing development and housing costs and triggering a reduction in demand and development activity. According to George, the city's actions avoided any significant effects on low-income housing. He expressed uncertainty, however, about the possible long-range effects of the cap. Noting that it only applied to residential development (thus, it could have no direct impact on other land uses) and only placed a numerical limit on total development without dictating any of its characteristics, George pointed out that the cap would not definitely ensure either balanced or quality development in Boca Raton.

Rick Miller observed that Boca Raton became a social and economic "island" after the cap was imposed. The new development and additional population that would have come there, he said, were forced by the cap to locate in other nearby jurisdictions where, because of good site planning requirements, he felt they had been developed well. Another result of the cap was that of legal costs. The city spent about \$1 million defending its actions, while Arvida Corporation spent about \$500,000 challenging them, and further costs were expected because rulings were still being appealed.

### San Jose, California

Larry Pegram cited several benefits from San Jose's growth management activities. The residential growth rate had decreased from 12,000 dwellings per year in 1972 to 6,500 in 1978, and was approaching the goal set forth in the city's growth management plan. Average residential densities had increased, while individual units had become smaller, and more townhouses, condominiums, and rental developments had been built. Also, Pegram noted that the location of industrial development had begun to shift and the transit system had begun improvements. He felt the growth management plan was working well to stimulate in-filling of passed-over land, bringing the use of city facilities up to their maximum capacities. Furthermore, new employment opportunities had developed in downtown San Jose, as well as improved urban services.

In general, Pegram felt that the public was no longer interested in the expansion of San Jose but instead in the services and quality of life it could provide. Although he thought growth management had "raised the municipal quality of life in San Jose," he made it clear that problems remained. The growth rate was down, but San Jose still received 55 percent of the new housing units authorized in all of Santa Clara County between 1975 and 1978, which, Pegram implied, was a disproportionately high distribution. Another county-wide problem he identified was the lack of employment opportunities compared to housing availability, an imbalance he said was worst in San Jose and had become more severe due to inadequate job growth. Pegram also mentioned that tax distribution inequities remained, and that San Jose still had the longest average commuting distance (16 miles) of any city in the country and experienced intense traffic congestion daily.

One other impact of San Jose's growth management plan was that housing prices had escalated, making the city unaffordable to many. Pegram said only 12 percent of San Jose's residents could still qualify to purchase the houses in which they lived. Dick Randall cited cost increases as well, stating that growth management had added about \$1,500 to the cost of a house, and that, as the amount of land available for development had decreased, land costs had risen from 9-15 percent of a new home's cost in 1972, to 18-24 percent. He also mentioned that subdivision approvals were taking as long as 2 years to obtain, implying that land carrying costs had increased as well.

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**A recent study of Boulder's major employers showed that the city would need enough new industry within 2 years to employ 6,000 people.**

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Similarly, neither speaker provided any figures for comparing San Jose's rates of total housing price increases, either before and after its growth management implementation, or with comparable communities lacking such programs. Nor did Larry Pegram cite any trend data or pre-1973 statistic for those who could afford to buy their own houses. Nevertheless, Pegram stated that San Joseans were beginning to demand new ways to deal with the economic situation. The city's government would have to face the dilemma and either undertake a second generation of governmental actions (such as rent control, resale price control, or requirements for below-market-rate housing) to stabilize housing costs, or deal with the issue of increasing the housing supply.

### Petaluma, California

Frank Gray affirmed that Petaluma's "truly comprehensive" growth management system had begun to achieve its multiple purposes. The residential growth rate had been reduced to the planned 6 percent per year, and the mix of housing types had been balanced with the com-

munity's needs through the erection of multifamily developments. The pressure of urban expansion on Petaluma's eastern agricultural valley had been relieved, and the more established western hills section was once again experiencing construction and reconstruction activities.

Gray said that Petaluma had updated and expanded its sewage treatment and water supply systems to meet both present and future needs, in conjunction with the regulated growth rate. In addition, the city's schools had returned to single sessions with manageable class sizes. Finally, Petaluma had started a program to balance local industrial and commercial expansion with residential growth.

#### **Boulder, Colorado**

Frank Gray stated that Boulder's residential growth rate goal was being achieved, but Bill Lanning provided more specific descriptions of the effects the control had had. Lanning said that, because approved subdivisions were exempted from Boulder's ordinance, the number of dwellings built in 1977 exceeded the previous high rate of 1,100 per year, and that in 1978 the target of 450 was still surpassed by 300 units. This suggests that the rate is indeed coming down, but Lanning said that the allocation of 175 allowable units per year to the urban core area was not realizable because development opportunities were too few. Thus, he felt that the ordinance's net effect would be a limit of only about 300 units per year.

Lanning noted that developers in Boulder must now select sites very carefully, using the city's merit system for evaluating alternatives, rather than their own judgments of the right places to build. He said that the year presently required to complete the planning process and gain subdivision approval caused high risks to developers, who now face about 18 months to reach the start of construction. Lanning felt that such careful planning and architectural controls for moderate-income housing would lead to "windfall profits" for the initial buyers who ostensibly would be getting qualities in their properties for which subsequent buyers would be willing to pay a good deal more.

Another potential impact of Boulder's growth limit which Lanning identified would be the elimination of both small and large builders from the marketplace, although he also said that developers' profits had greatly increased. Noting that Boulder had no vacancies in rental housing, he said that the ordinance did not provide adequately for the city's needs in that category or in single-family dwellings. Another deficiency in the growth control scheme was that it did not address the imbalance between Boulder's housing supply and its economy and job base. A recent study of Boulder's major employers showed that the city would need enough new industry within a couple of years to employ 6,000 people.

#### **Ramapo, New York**

John Larkin stated that Ramapo's growth management program did, initially, control the town's growth rate at approximately the level intended. Its effects, however, had been diluted by major economic factors such as in-

flation, rising interest rates, and energy shortages. The town's capital improvements had fallen behind schedule because the designated funds had been expended more rapidly than expected due to unflation and the clean-ups needed following storms Doria and Agnes in 1971 and 1972.

Milton Shapiro said that rather than staging private development in sequence with public improvements, as intended, Ramapo's requirements had effectively stopped development of properties lacking enough points for special permits. Most such properties were under 50,000-square-foot, single-family, residential zoning, which would allow developers to build on large lots of perhaps 2 to 5 acres. However, Shapiro stated that as it was formulated, the plan for extending public improvements to these properties created an 18-year waiting period before most of them could become finished, developable lots. Since the town had stopped funding improvements and had not met its completion schedule after the program's first few years, and the economy had become such that developers would not realize profits if they built improvements themselves or developed large lots, these properties were not being developed. Shapiro said that their values had dropped to one-fifth of what they had been in 1970. Although he did not mention how low they would need to go to make development profitable, he did say that assessments on these properties had been reduced, thereby diminishing some contributions to the town's tax base.

One indirect effect of Ramapo's program, in Larkin's words, was that builders and developers were "filtered out," meaning that only those wanting to develop projects of quality for the long-term future would build in Ramapo. Shapiro said that many developers had merely moved their activities to adjacent towns, suggesting that nearby growth rates may have been comparably increased as Ramapo's came down.

#### **Salem, Oregon**

Although Salem's growth management plan was only a proposal, John Miller and Ed Stillings made several predictions in their Dallas presentations regarding its probable effects. They both said that it would not directly limit either the total amount or the rate of future growth in Salem. In fact, Stillings indicated an expectation that development would continue at the previous 400-acre-per-year rate, although he did not suggest how long it might do so. Stillings also said that bypassed lots within the Current Developed Area would be developed, and both speakers said that leap-frogging would be reduced, creating a more compact urban development pattern as more developers sought to minimize costs by building on sites closer to urban infrastructure. Referring to the specific pattern of development which would result from implementation of the growth management plan, Stillings indicated that it would not include a physical plan dictating locations, and noted that the ultimate configuration "will depend upon decisions made within the development industry as to where new development will occur, and decisions made by the city with respect to the location and extent to which facilities

are funded through Capital Improvements Programs."

Suggesting that there had been no attempt to predict the effects of Salem's growth management plan on land prices, and perhaps implying that there was no comprehensive economic analysis to support the above expectations, John Miller said "we have no idea of the financial consequences of our proposed actions." He stated that the proposal would greatly reduce the land supply by making much of it infeasible to develop, thus increasing values on properties either adjoining the Current Developed Area or receiving city-funded improvements. Miller predicted "that speculative holding of these lands will increase, and the prices of the land sold will increase 20 to 30 percent." Regarding the effects on prices, Miller suggested the likelihood that Salem's

high growth rate would sustain sellers' markets for both land and housing, which, he said, would hurt consumers (especially those with low incomes).

In the short run, Miller said that some developers who had already invested in land and improvements could experience substantial losses from imposition of the proposed growth management requirements. In the long run, he felt that the risk of developers losing front-end capital would not increase because the system would be relatively simple, the standards clear, and the period of uncertainty of approval would be short. Overall, however, Miller predicted: "the high costs of right-of-way acquisition, escalating prices for land, and inflated materials prices will force the private sector to carry much of the burden of expansion beyond anticipated levels."

## Opinions—Participant Positions on Some Controversial Growth Management Issues

### Introduction

Most of those who spoke during the Dallas Workshop expressed personal opinions on one or more of the many complex questions pervading growth management debates. Their conclusions and recommendations indicate their individual attitudes toward the issues and convey the lessons they have learned thus far.

Since the speakers did not debate, or, for the most part, even try to predict such intangibles as the directions growth management efforts might take in the next decade, those concerned with looking ahead must use their own knowledge and judgment. Because all the participants are responsibly involved in key activities affecting growth and its management, their views and suggestions can be regarded as representing or leading significant constituencies. Thus, these views likely indicate some of the questions to be debated and goals to be pursued in the years ahead. Actual developments will, of course, depend on how influential and persuasive the individuals and constituencies are, whether they contribute more to conflict or to cooperation, and whether their purposes and viewpoints are shared and supported by public decision makers and voters.

### Growth Management Purposes

Apparently doubting that there is extensive support for growth control measures, Dick Randall suggested that it is only the recent arrivals in the communities who want to limit new development in order to preserve those qualities which attracted them originally. Bill Lanning agreed, stating it was newcomers who passed Boulder's initiative restricting its residential growth rate. Rick Miller felt that many advocates of Boca Raton's growth cap had lived there 5 years or less. He expressed the view that the growth control proponents did not want to change lifestyles, as continued growth required, and that they could afford development limitations because their livelihoods were not linked to the city's economy. Miller also called the cap purely an emotional reaction to growth because Boca Raton had previously adopted a

comprehensive land use plan in the late 1960s that involved substantial downzoning based on well-executed, detailed studies.

None of the speakers went into detail or cited hard evidence supporting his position on this matter. That fact actually reinforces the implication that communities considering significant growth-rate reductions must be careful first to identify and assess the intentions of both proponents and opponents of the reductions and then must ensure that any decisions made do not favor excessively a vocal minority over the general interest of the public.

Various views were presented in Dallas regarding the basic objectives of growth management efforts. In his opening remarks, Workshop Co-moderator Roy Drachman said that, even though proponents of growth-rate reductions often will not admit it, the local programs under discussion are merely attempts to slow or stop community growth. As an alternative, he prefers to "prepare for growth," implying that communities can devise ways to do so efficiently and effectively if they apply themselves. The strategy of preparing for growth, of course, requires that communities know well in advance what types and amounts of land and other resources will be needed for what uses in what locations at what times, which is quite a tall order.

This "need for some predictability" of development patterns so that the public sector can economically fulfill its related responsibilities was identified by Frank Gray as one of the primary purposes of growth management. Achieving that predictability would seem to require societal choices about realistically manageable growth alternatives, which in turn will suggest compatible private development activities. Gray said later about Boulder that the most profitable housing—single-family detached—was not necessarily the type most needed. He stated that developers generally respond to profit rather than demand and concluded that a comprehensive growth management system employing single-family disincen-

tives and allowances for multifamily development was required to achieve a housing balance in Boulder.

Dick Randall and Tony Trella both seemed to support Gray's view. For example, Randall suggested that the main intention of growth management was to provide planned, balanced growth (which he considered hard to sell to voters), not to eliminate development. He cited the need for better planning and proposed a few broad parameters, such as people being important, along with wildlife, agriculture, and other aspects, and goals being realistic, not utopian. He did not, however, propose either a definition of balanced growth or a way to integrate values of the public-at-large in planning, both of which are key elements of effective growth management programs.

Trella noted that the motives behind growth controls include a lack of public confidence in both government and developers and the absence of a good planning system that truly understands the real problems of the world today while simultaneously looking toward the future in a meaningful way. John Miller stated simply that growth management planning is needed to make Oregon livable in the future. Panelist Gary Cinti expressed the view that the purpose of growth control is usually misinterpreted because the term is only a euphemism employed by people who really want to prevent change, not manage it. But, by definition, management (or control) means directing the course of change, and no system can be static.

#### Growth Management Systems

Many workshop participants made judgmental remarks reflecting their preferences for various alternative elements of growth management systems. Most of these comments referred to planning criteria and decision processes. Some, however, addressed organizational structures. For example, Dick Randall criticized the awkward government situation in California, where, he said, as many as 17 different state agencies, each with numerous departments, can get involved in planning.

Larry Pegram praised the contributions of the citizen task forces in the establishment of goals and directions for San Jose's growth management plan. He favored the community-wide public participation effort, which produced a plan that is "totally voluntary," not dictated by inflexible voter referenda or costly court trials.

Frank Gray strongly criticized the initiative process (by which Boulder created its residential growth control) as being too immutable. Instead, he advocated the legislative mechanism so that the parameters of growth controls can be changed annually to fit fluctuations in the development process.

John Larkin espoused legislation (specifically, zoning law) as an appropriate vehicle for balancing both the rights and the responsibilities of individual owners and communities. This supports the general principle that to be effective the specific components of any growth management system must be designed to be manageable. That is, they must be readily adaptable, with some elements being modified and others being added or eliminated as appropriate, to respond efficiently to changing circumstances and values.

Contrastingly, Milton Shapiro expressed bitterness about the fact that Ramapo's growth management plan was established by a legislative process. His objection was that legislation is too fixed because the program "cannot be abolished when it is no longer needed" since the voters would remove any official attempting to do so. He believes the need for growth control has passed, since development in Ramapo has been halted by the lack of capital improvements by the town and the prohibitive cost of developers providing them in today's economy. Shapiro expressed frustration because he does not know how to get political action to eliminate the ordinance.

Several persons at the Workshop spoke against litigation and other antagonistic approaches to resolving growth issues. In general, Gary Cinti felt that "too much energy is spent on [determining] who is right, and not enough is directed at solving actual problems" because people react to problems and proposed solutions by taking opposing positions instead of cooperative action. Bob Hoffman agreed that lawsuits are not a constructive way to resolve growth management issues. He and Frank Schnidman both suggested that litigation has been misdirected, focusing on the growth management concept rather than on the facts of each case. Schnidman said that courts tend to assume local governments are correct in the reasons for their actions, a view supported by Milton Shapiro's evaluation of the Ramapo case.

In contrast, Frank Gray cited the ultimate process used in Petaluma as a good example of communication and cooperation among different interests. He said that after the litigation ended, the city and its challengers got together to rectify inequities they both recognized in the system. They shared information needed to understand each other's situation and purpose, and worked out improvements acceptable to all. As a result, he said, Petaluma's third generation growth management system effectively reflects inherent limits to growth, while still allowing highly profitable development. Gray indicated that if such cooperative, participatory efforts were undertaken in the analysis and planning stages of the legislative process, before substantive decisions were made, much of the more costly litigation afterward could be avoided.

#### Societal Values and Needs and Development Standards

In Dick Randall's view, San Jose's new general plan (spearheaded by a new city manager who had come from Boulder) reflected the attitude that "people were no longer of any importance." He indicated that the growth rate adopted by San Jose is inadequate to fulfill the city's responsibility to provide housing for its own youth growing up as well as for the new arrivals it is intended to accommodate. Randall expressed the opinion that people do not want to live in high-density housing. He said that most Americans want single-family detached houses, "a little piece of God's green earth, . . . and a barbeque in the backyard" to call home. His belief in the public's desire for single-family detached dwellings was echoed by Bob Nahas, but obviously contradicts common growth management objectives of diversifying housing types and increasing densities to achieve more efficient use of land.

This contradiction points to some even broader questions: How should public needs and desires be determined? What development and design standards are in the best public interest? How should these standards be established? Who should set them? How should they be implemented?

Remarking that the cost of unmanaged growth is too high, but that "the cost of misguided controlled growth is unacceptable," Randall recommended that people's needs and desires be identified through market research techniques. No further comments were applicable to the first question, but several remarks pertained to the second. Again, it was Randall who criticized San Jose's standard street width ("set by our fire chief and a dead elephant") as being excessive and a waste of money, just like the city's requirement for creating bike paths by simply widening streets further with paving strong enough to support car traffic.

Milton Shapiro called Ramapo's special permit standards "artificial," because the town does not control the location and construction of firehouses and state, county, or village roads (making them unalterable factors in a developer's point scoring and negotiations with the town), and also because (in his opinion) the town does not need parks within 1/4 mile, or even 1 mile, of every new development, or sidewalks on both sides of streets otherwise developed only on one side. Thus, he felt that Ramapo's point system for approving developments is not adequately related to real needs. He said he had no objection to the practice of phasing private development in sequence with public improvements if the town fulfilled its role and actually provided those improvements. But he felt that the 18-year period prescribed for total completion was unreasonable.

In comments pertinent to the second question concerning the best standards for the public interest, John Miller warned that Salem's proposed street design standards and access limitations were based on "perfect systems"—theoretical, textbook abstractions which oversimplify reality and ignore significant factors. He said they would be unaffordable because the growth management plan would double the miles of collectors and arterials, would necessitate frontage roads in new developments (thereby decreasing lot yields by 10-12 percent), and would increase the cost of other improvements. Miller said that alternative techniques for access to collector streets, such as T-turnarounds, courts, and loop drives, had been rejected "based on the tendency of planners to transcend reality and ignore practical, if unconventional, solutions."

Related to the question of who should set standards, Miller said that under Salem's growth management plan the new city manager would be performing "a delicate balancing act." He would be trying to blend inputs from both private developers and public interest groups in formulating policies to minimize the inequities of the substantial changes in development rules without sacrificing the growth management objectives. Such an arrangement, however, suggests that considerable power would likely be vested in a position that might not always be filled by individuals with the wisdom of Solomon.

Bob Hoffman suggested that "developers really do not have the pulse of the public" because they concentrate primarily on getting projects built. Due to the time required to do that job well, they might not have sufficient opportunity and exposure to learn of public needs and desires. On the other hand, Tony Trella contended that public and private planners, designers, and regulators also lack knowledge of the real world. He expressed the belief that they are not adequately educated, trained, or otherwise qualified to make the kinds of decisions they must make. John Larkin disagreed with this and other criticisms of planners, saying that their decisions were merely responses to public demands.

Pertaining to how standards should be set, Larkin commented on the value of the analyses that Ramapo conducted in order to develop an appropriate plan and point system. He indicated that these studies were critical because they provided the knowledge required to manage growth sensibly. In fact, he felt that the insight and understanding he gained from the studies were more valuable than the point system itself and suggested that he could review development proposals just as effectively without the plan, as long as he had the knowledge provided by appropriate analyses.

#### Summary Opinions

Several workshop participants made comments which might be taken as general summaries of their positions on growth management. Despite the problems he pointed out (including the high price of land), Dick Randall thought the overall situation in San Jose had improved under growth management, and he was still happy to be building there. Milton Shapiro said that Ramapo's program would be acceptable to him if the town would provide the infrastructure and other services needed. Lacking such provisions, he chose to label Ramapo's requirements discriminatory. John Larkin disagreed, saying that the program is not exclusionary. Larkin went on to conclude that growth can effectively be managed, but stated that "it takes hard, well-directed, consistent effort to do it."

Jack Keough's position on the Ramapo program was indefinite. He said he did not know whether it works to control growth or not, because, since its establishment, growth throughout the Northeast had been limited by major economic factors such as the rapidly rising price and increasing scarcity of oil, and general inflation. Given the magnitude of those factors and the inability to identify developers who would have built in Ramapo anyway, had it not been for the town's regulations, Keough concluded that he could not identify separately the specific effects of the program, and therefore could not evaluate its usefulness. In contrast, advocating the growth management plan then proposed for Salem, John Miller stated that "its focus is immediate, its goals are realistic, and its effects are measurable."

Bob Nahas, on the other hand, seemed opposed to the whole growth management effort. He wondered what had happened to our "faith in the discipline of the marketplace," and skeptically asked whether "planners can do a better job for us than the marketplace."

### What Lies Ahead?

Only two participants ventured specific predictions of future development, although many recommended appropriate courses of action or needs that should be taken on in the coming years.

Bill Lanning, seconded by Hal Imus, forecast that the 1980s will indeed be a decade of limitations on land development because of the likelihood that many cities will be using growth controls. Tony Trella agreed with Lanning's conclusions but for different reasons. He felt that the national priorities for the 1980s will be energy, inflation, and survival. In his view, the energy situation "will have a tremendous, immediate impact on all aspects of social and economic life in the United States." Without being specific, he stated that that fact, coupled with the continuation of general inflation, will have the greatest effect on what developers do in the next decade.

The numerous proposals for future action put forth during the Dallas Workshop covered a wide diversity of subjects and ranged from the highly general to the fairly specific. Perhaps they portend upcoming developments in the realm of growth management.

Apparently following through on Roy Drachman's recommendations to "prepare for growth," Tony Trella suggested two basic avenues for overcoming what he perceived as the lack of qualified individuals dealing with growth management problems on behalf of both government and industry. He observed that decision makers will have to make compensatory adjustments on the one hand, and that, on the other, the education of growth managers (whose roles are increasingly important) must be improved to make them more knowledgeable of the real world. Also voicing the theme of education, Larry Pegram stated that the land development community is responsible for informing government officials and the public about the business realities it faces.

Several suggestions were made regarding appropriate responses to current circumstances in four of the case study communities. Looking back on the trail of growth management in Boca Raton and the \$1.5 million already spent on legal costs by the city and Arvida Corporation combined, Rick Miller said that the company now wants to normalize its relationship with the community and restore the trust it has lost.

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**A theme commonly stated was that developers should abandon their usual reactive posture on growth management and become more fully involved in the interaction that produces and implements growth management policies.**

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Dick Randall indicated that, in order to make it more complete and effective, San Jose's growth management program needs more rational design standards. Meanwhile, reacting to the inadequacies he has identified in Boulder's system, Frank Gray is pushing for changes so that commercial and industrial growth are managed in concert with the residential development that is now regulated.

Milton Shapiro's advice to anyone trying to develop land in Ramapo is to negotiate with the city to buy out the points needed for approval, because in the long run this is cheaper and quicker than waiting for city improvements which, he said, might never be made. On the other hand, John Larkin said that developers will get approvals easily if they come to Ramapo with long-term commitments and provide good designs.

Similar to the last two examples, most participant recommendations were aimed at advising developers on the roles they should play in future growth management activities. The most common theme, in essence, was that developers should abandon their usual reactive posture on growth management and become more fully involved in the interaction that produces and implements growth management policies and plans. As Ed Bacon put it, developers need to take a leadership role and change their image. But he wondered whether they really know what to do.

In general, Bacon said that developers need to get the message coming from the growth management movement, listen to it, and heed it by changing their views of appropriate development and by responding with new types of projects. More specifically, he endorsed the common growth management objective of filling in holes in the urban fabric by developing vacant, underutilized lots that do not pay for public services already in place. He said developers need to change their usual stance and work toward this objective because cities cannot spread outward indefinitely. Looking briefly at the other side of the coin, Roy Drachman said that in order to develop inner cities, municipal governments must extend themselves to entice developers and help them succeed. As Hal Imus put it, communities must ease the assembly of land by preparing a favorable investment climate.

Apparently supporting Bacon's advice that developers take the lead, Gary Cinti recommended that in order to avoid the imposition of growth controls developers must solve growth problems before the government intercedes. Frank Gray agreed that developers should think ahead to avoid the need for litigation, but he seemed to doubt their ability to solve growth problems without government action. Thus, along with other participants, he suggested that developers should get involved early in the legislative process to make sure it works for them, rather than try to change legislation after it is enacted or wait to fight growth management plans when they come up for legislative approvals. Of course, developers will have to convince the public of their credibility in this involvement. And they will have to give, as well as take, individual benefits, so that solutions are truly equitable and not unduly favorable to any one interest group.

Bob Hoffman urged that developers join forces with other development interests and industries. Similarly, Larry Pegram suggested pulling together all facets of the development community in an active coalition. Hoffman went a few steps further. He recommended that builders, developers, landowners, and industrial groups reorganize themselves as representatives of "land consumers" and bring facts into the legislative process in a high-quality, educational manner. He suggested that developers

should utilize environmental laws to advantage by insisting that environmental impact statements be required before adoption of guided growth plans and by challenging the adequacy of such EISs and then taking them to court, which would tie up plans long enough to do a lot of building. Hoffman and Schnidman both seemed to advise against challenging the concept of guided growth, apparently implying that it should be assumed as a right of government. Instead, they both

seemed to agree that some modifications to restrictive growth controls can be obtained, if the facts relied upon in each case (that is, the specific problems and solutions and their effects) are challenged and proven incorrect or illegal, preferably early in the decision process.

Finally, Bob Nahas tossed in perhaps the strongest word of advice for the advocates of public growth management: "Growth management cannot go only part way; it either must take over the marketplace, or leave it alone."

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# THE WALL STREET

## REGIONS

### With Fortunes Rising, Counties Cut Into Power Base of Cities

By JOHN HELYAR

Staff Reporter of THE WALL STREET JOURNAL

**T**HE COUNTY, ONCE RIDICULED as "the dark continent of American politics," has emerged as a major governmental power. Increasingly, counties dominate decision-making for major cities and offer regional solutions to metropolitan and rural problems.

Decades of shifting demographics, lobbying clout in Washington and the policies of former President Richard Nixon all have helped propel county government to the forefront. Mr. Nixon's "new federalism" of the early 1970s fueled the ascent. Counties were given a big piece of the revenue-sharing action and since have been dealt into a succession of other federal programs. With that federal stimulus and their own broad bases for raising revenue, many counties now boast a fiscal strength and management sophistication that their municipal counterparts can only dream of.

Fairfax County, Va., and neighboring Washington, D.C., show how stark the contrast can be. Even with constantly expanding operations and increasing costs, Fairfax managed to cut its property-tax rate in three consecutive years. A burgeoning tax base has been spurred by the county's economic-development program, considered among the nation's most sophisticated.

The computerized cash-flow management and real-estate assessment systems of Fairfax are regarded as national models. Its bond ratings are AAA. John Shannon, assistant director of the Advisory Commission on Intergovernmental Relations, describes Fairfax as "about the ultimate in powerful regional government," representing both consolidation of functions and strong economic growth.

**B**UT THE DISTRICT OF COLUMBIA faces a budget deficit of \$419 million and has little choice but to raise taxes sharply. That action could accelerate the suburban-location trend of business that Fairfax has been encouraging in nationwide advertisements. The message: "All the advantages of proximity to Washington without the disadvantages of big-city problems."

In contrast to the poverty in Washington and many other cities, Fairfax County has one of the five highest median family-income levels in the country. "We've been blessed with money," acknowledges James P. McDonald, deputy county executive. "We obviously don't have the same kinds of problems as, say, Newark, N.J."

The decline of cities has received a good deal more attention than the rise of counties. The predictably comfortable, suburban nature of counties often fails to stir the imagination. But in many places, the fall of cities has coincided with (and contributed to) the rise of counties.

Cuyahoga County, for instance, encompasses the city of Cleveland and 59 suburban communities. The county has taken over a host of services once handled by city government—medical facilities, welfare programs, jails—while special regional districts manage sewer and transportation systems. The county also has assumed local obligations for matching several federal grants. Some of the money has been used to renovate Playhouse Square, a decrepit zone in downtown Cleveland.

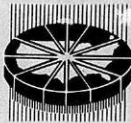
**A**S CITY OFFICIALS SURRENDER their power bases, department by department, counties acting as fiscal angels of mercy also can become political angels of death. The result, warns Thomas Cochran, chief lobbyist for the U.S. Conference of Mayors, can be to leave white suburbia firmly in charge of the black inner city. "You can talk all you want about the efficiencies consolidation can bring," he says, "but never forget the race problem."

Just such a problem is brewing in Wayne County, Mich. About half Detroit and half suburbs, Wayne is among the largest and most financially troubled counties in the country. Last week, county residents voted to create a charter commission that will recommend whether to replace the present tangled system with a strong, elected county-executive form of government. Republican Gov. William Milliken calls replacement a necessary antidote. Democrat Coleman Young, black mayor of the predominantly black city, calls it a racist move designed to confiscate his political base.

However the issue is resolved in Michigan, Bernard Hillenbrand, executive director of the National Association of Counties, favors having counties convert, as a general rule, to the kind of elected "strongman" system proposed for Wayne. Mr. Hillenbrand's association, built from a one-man outfit with a budget of \$18,000 in 1957 to a 155-employee, \$5 million-budget organization, is a lobbying force to be reckoned with. Having won for the counties the early slices of the revenue-sharing pie in 1972, the association has pushed persistently for generous shares of federal job-programs money and other major grants.

**C**OUNTY GOVERNMENT MIGHT LOOK like the inevitable wave of the future, but it certainly won't sweep the country. In New England, for example, county governments traditionally have been weak; Connecticut and Rhode Island don't even have them as such. And in some Midwestern states, county powers are narrowly prescribed by state laws; counties in Iowa and Indiana are forbidden to have a strong elected or appointed executive.

The power of counties probably will continue to be greatest in the West, where California in particular has been a pioneer. Los Angeles County, the first to experiment in the 1950s with the subsequently widespread practice of contracting with municipalities for services, is often cited as a model urban county. "Many people are uncomfortable with a super-metropolitan government," says the advisory commission's Mr. Shannon. "The county is a kind of poor man's alternative."



# THE WALL STREET

## REGIONS

### With Fortunes Rising, Counties Cut Into Power Base of Cities

By JOHN HELYAR

Staff Reporter of THE WALL STREET JOURNAL

**T**HE COUNTY, ONCE RIDICULED as "the dark continent of American politics," has emerged as a major governmental power. Increasingly, counties dominate decision-making for major cities and offer regional solutions to metropolitan and rural problems.

Decades of shifting demographics, lobbying clout in Washington and the policies of former President Richard Nixon all have helped propel county government to the forefront. Mr. Nixon's "new federalism" of the early 1970s fueled the ascent. Counties were given a big piece of the revenue-sharing action and since have been dealt into a succession of other federal programs. With that federal stimulus and their own broad bases for raising revenue, many counties now boast a fiscal strength and management sophistication that their municipal counterparts can only dream of.

Fairfax County, Va., and neighboring Washington, D.C., show how stark the contrast can be. Even with constantly expanding operations and increasing costs, Fairfax managed to cut its property-tax rate in three consecutive years. A burgeoning tax base has been spurred by the county's economic-development program, considered among the nation's most sophisticated.

The computerized cash-flow management and real-estate assessment systems of Fairfax are regarded as national models. Its bond ratings are AAA. John Shannon, assistant director of the Advisory Commission on Intergovernmental Relations, describes Fairfax as "about the ultimate in powerful regional government," representing both consolidation of functions and strong economic growth.

**B**UT THE DISTRICT OF COLUMBIA faces a budget deficit of \$419 million and has little choice but to raise taxes sharply. That action could accelerate the suburban-location trend of business that Fairfax has been encouraging in nationwide advertisements. The message: "All the advantages of proximity to Washington without the disadvantages of big-city problems."

In contrast to the poverty in Washington and many other cities, Fairfax County has one of the five highest median family-income levels in the country. "We've been blessed with money," acknowledges James P. McDonald, deputy county executive. "We obviously don't have the same kinds of problems as, say, Newark, N.J."

The decline of cities has received a good deal more attention than the rise of counties. The predictably comfortable, suburban nature of counties often fails to stir the imagination. But in many places, the fall of cities has coincided with (and contributed to) the rise of counties.

Cuyahoga County, for instance, encompasses the city of Cleveland and 59 suburban communities. The county has taken over a host of services once handled by city government—medical facilities, welfare programs, jails—while special regional districts manage sewer and transportation systems. The county also has assumed local obligations for matching several federal grants. Some of the money has been used to renovate Playhouse Square, a decrepit zone in downtown Cleveland.

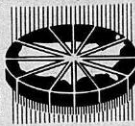
**A**S CITY OFFICIALS SURRENDER their power bases, department by department, counties acting as fiscal angels of mercy also can become political angels of death. The result, warns Thomas Cochran, chief lobbyist for the U.S. Conference of Mayors, can be to leave white suburbia firmly in charge of the black inner city. "You can talk all you want about the efficiencies consolidation can bring," he says, "but never forget the race problem."

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The problem is essentially one of growth and how to handle it. Within this general subject, the question of timing, provision of services, equity of financing and maintenance of the tax base arise. Depending on local conditions (geographical and political) this problem has been dealt with (not always too successfully) by:

- 1) Annexation (San Diego, Oklahoma City, Houston, Wichita)
- 2) Incorporation (older eastern and northern cities)
- 3) Service districts (Portland)
- 4) Restructuring of local government
  - a) consolidation (Indianapolis) (Jacksonville), etc.
  - b) federation (Toronto, Minneapolis Metro-Council)
  - c) Urban counties - Dade County, California, New York, Maryland

Annexation is most often used to:

- \* 1) Equitably spread the cost of government borne by the Central City. Small fringe areas do not generate demands for major facilities, i.e. Kelloggs, Rock Roads, Area and Regional parks, Century II, general overhead (CM, IRBs, Economic Development, Planning, police labs, computers, etc.), but collectively with other such areas force the

\* = significant items

*Info to Mayor Knight by MR*  
8-10-80

center city to undertake them. By annexing, especially the upper-middle residential, business and industry, those costs are more fairly supported.

- \* 2) Coordinate service provision. Without the geographic area under a single jurisdiction, actions such as provision of sewer to Comatara would become difficult if not impossible without the ability to annex those areas that benefitted. The problems would be in legally initiating projects, recovering costs from those benefitting and not in the City or in the alternative loading costs above the normal on the system users, i.e. the utility or remaining benefit district property while another jurisdiction builds a duplicate facility. Try to build a road with one-half in one city and one-half in another. It took us years with Eastborough on Woodlawn.
  
- 3) Provide room for future growth and plan for services road, sewer, water, etc. If the city cannot grow out, the alternatives are non-growth or upward. Wichita has little area to infill. Up means redevelopment which is often costly. Greater densities are o.k. but may mean congestion and other problems (with a cost). No growth means no way to renew an aging physical plant. Social/economic conditions generally increase with a city's age. To cope, costs exceed revenues of the

old city, i.e. police, housing, recreation, etc.

- 4) Provide services at a lower cost. This is surely debatable. As the city gets bigger, its overhead goes up, more specialized services are offered. On the other hand, water treatment plants, Cheney Lake, Sewage treatment efficiency is increased and costs lowered.
- 5) Raise the City's image in terms of marketing. Cities are generally rated on size. It is important in marketing, economic development. It is especially true in redistribution of State and Federal revenues (from gas tax to revenue sharing).
- 6) Reclaim community leadership. Annexation brings many who could and should serve on advisory boards and even those who would run for office into the city. As decisions and policies made by the City affect those on the fringe, they should be in and a part of it. Even though people live on the fringe when they vacation or travel on business, they are from Wichita not Bel Aire or the Trees.
- \* 7) Preserve the tax base. This is closely related to No. 1. Even with a reduced reliance on the advalorum tax, revenues will be generated either on

income, sales tax, users tax all of which will be identified on the geographic site it generated from. It is therefore important to keep the tax base growing.

People historically object to annexation unless they are in dire straights for basic public services like water and sewer. There are several reasons. They are:

- 1) Taxes will increase. At the present people on the fringe buy their services selectively and not a full service package like Wichita. Even when promised better service i.e. police, street repair they dont believe it, especially with part pronouncements on budgets. However even our "poor" police service beats the sheriff. Fire protection in Bel Aire will be an issue since they have a Co. station at 43rd and Woodlawn.

Based on 1980 budgets Bel Aire paid 77.308 mils vs. Wichita 104.360. A 27.052 mil difference or 35% increase.

On a \$50 M home assessed at 10% value the tax bill will increase 135.26 a year from \$386.54 to \$521.80.

Total income to the City from Bel Aire would be \$304,209/yr. We have not computed costs yet. The

way we handle fire service, cost of their debt and interest fund (new water tower), and police beats will be initial on the cost side.

The note in the League manual on the hot dog stand and the Virginia court statement is instructive.

The comments on "free loading" the central city in the pro annexation reasons are the flip side of this coin.

- 2) The loss of identity and sense of control they feel they have as an improvement district or small city (629 Dwelling Units - 2166 people). As a 100% of 2166 vs. 1% of 272M, they are more at ease with controlling their own destiny. At large elections do not help this feeling - maybe wards would help.
- 3) Fringe areas don't want the burden of Wichita's social problems race, poor and crime. If they are in they will inherit some of it in their area.

In summary, annexation is one way open to more fairly distribute costs and to provide for a single unit in making policy. It has weaknesses due to the inability to get all of the area that is urbanized in the Metro area (such as Crestview

and Timber Lake) and also that sooner or later you run into the older cities (Haysville, Goddard, Kechi, Andover) and this will ultimately block growth. However, I believe this is decades away in most instances. It is here that I think re-examination of the role of local government could be fruitful (i.e. consolidation, urban country, etc.). This area is complex and needs much study. From my reading of the literature each has been successful in a limited way, but has yet to make big meaningful changes in the cost and equity of financing government at the local level. Some attribute this to the local political pressures keeping resource allocation much the same as the past, even though the new organization structure allows for change.

For some good reading in this area, see reports from ACIR (Advisory Committee on Intergovernmental Relations) on States and Sub State Districts. Vol. II and III. Also a book titled The Metropolis by Bollem and Schmidt has a good review on governmental organization, alternatives with pro's and con's.

From ACIR Volume IV  
 pages 125-138

Scale of Provision of Services

Provision of public goods can range from complete decentralization (individual local units) to centralization (county or metropolitan government). An areawide government could directly provide services with economies of scale when they exist. Local governments would provide the best level to respond to the diverse, individual needs of the local communities.

Fiscal stability could be encouraged by greater reliance on more general, broad-based, areawide taxes. To the extent that certain demands cannot be satisfied on a local level, they could be provided by an areawide government and financed by tax instruments with greater neutrality. An alternative would be to have the service demanded provided by one or more of the local units, and to have those local units reimbursed--if not by user charges, then by a tax base sharing method. Tax base sharing is a pooling of tax funds imposed on a countywide, areawide, or metropolitanwide basis to meet such spillover situations.

The table below indicates at what level certain given programs might be met. Of the 18 services, only nine have a consensus as to area to be served.

Classification of Public Programs According to Economies of Scale, Benefit Spillovers, and Political Proximity

Program	Allocation Criterion			Composite
	Economies of Scale	Benefit Spillovers	Political Proximity	
Local Schools	+	+	0	-
Transportation	+	+	0	+
Public Welfare	+	+	0	+
Health and Hospitals	+	+	0	+
Police	+	+	+	+
Basic Services	0	0	0	0
Special Services	0	0	0	0
Fire	+	+	0	0
Water Supply	+	+	0	0
Sewage Disposal	+	+	+	+
Refuse Collection	+	+	+	+
Refuse Disposal	+	+	+	+
Parks and Recreation	+	+	+	+
Public Housing	+	+	+	+
Urban Renewal	+	+	+	+
Libraries	+	+	+	+
Basic	0	0	0	0
Special	+	+	+	+
Air and Water Pollution	+	+	+	+
Urban Planning	+	+	+	+

+ favors areawide control because economies of scale are important, or benefit spillovers are significant, or political proximity is unimportant.  
 0 favors local control for the opposite reasons  
 - favors joint control  
 x indicates that the allocation criterion yields a debatable result

Source: George Break, *Intergovernmental Fiscal Relations in the United States* (Washington, D.C.: Brookings Institution, 1967), p. 176.

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# pas memo

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## Bibliography on Annexation

The three very different communities of Juneau, Alaska; Suffolk City, Virginia; and Sierra Vista City, Arizona, have at least one thing in common. As a result of annexations, all three communities have doubled their incorporated land area since 1970. This issue of the *PAS Memo* is designed to give planners in other areas access to the information they will need to deal with annexations in their own communities. Included are references to discussions of annexation as a planning tool, guides to annexation procedures, handbooks on assessing the fiscal impacts of annexation, articles on the legal aspects of annexation, and sample annexation reports prepared by other cities. The bibliography concludes with references to general studies of annexations and articles on optimum city size.

The bibliography is not intended to be inclusive. References were selected after a review of APA's library resources and research files. Only materials published since 1970 were included.

State statutes will provide details of annexation procedure, which, of course, are different in each state. Court decisions affecting the interpretation of the state laws can be identified by consulting APA's *Land Use Law & Zoning Digest* under the heading "Annexation."

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- Reasonableness in Annexation: City of Jefferson v. Smith, A Recent Missouri Case.* Maureen Gerrity Carter. University of Missouri, Department of Political Science, Governmental Affairs Program, 306 Watson Pl., Columbia, MO 65201. April 1977. 7 pp. Price unknown. (Governmental Affairs Bulletin No. 21.)
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- "The White Curtain: Racially Disadvantaging Local Government Boundary Practices." *Journal of Urban Law*, vol. 54, no. 3-4 (Spring-Summer 1977). Dennis & Co., Inc., 251 Main St., Buffalo, NY 14203. Single issue \$3.
- Studies of Annexations**
- "Annexation and Population Growth in Texas Cities." Alfred J. Watkins and Arnold Fleischmann. *Texas Business Review*, vol. 52, no. 9 (Sept. 1978), pp. 173-77. University of Texas

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"Annexation as a Factor in the Growth of U.S. Cities, 1950-1960 and 1960-1970." Vivian Klaff and Glenn V. Fugitt. *Demography*, vol. 15 (Feb. 1978), pp. 1-12. Population Association of America, Box 14182, Benjamin Franklin Station, Washington, DC 20044. Price unknown.

*Boundary and Annexation Survey 1970-1975*. U.S. Bureau of the Census. 1978. 82 pp. Price unknown. (Ser. GE-30-2.) U.S.G.P.O., Washington, DC 20402. (Stock No. 003-024-01469-6.)

"The Commission on City-County Regulations: A New Look at an Old Dilemma." George Rogers Clark Stuart. *University of Virginia Newsletter*, Nov. 1975. Institute of Government, University of Virginia, Charlotte, VA 22903. Price unknown.

"The Historical Significance of Annexation as a Social Process." David G. Bromley and Joel Smith. *Land Economics*, vol. 49 (Aug. 1973), pp. 294-309. Journals Department, University of Wisconsin Press, Box 1379, Madison, WI 53701. Price unknown.

"Metropolitan Governmental Consolidation: A Reassessment." Nelson Wikstrom. *Growth and Change*, vol. 9 (Jan. 1978), pp. 2-7. 644 Maxwell Court, Lexington, KY 40506. Single issue \$3.50.

"Municipal Annexation in Virginia, 1960-1970." Edward L. Morton. *University of Virginia Newsletter*, May 15, 1972. Institute of Government, University of Virginia, Charlotte, VA 22903. Price unknown.

"The Politics of Metropolitan Reform." Vincent L. Marando. *Administration & Society*, vol. 6 (Aug. 1974), pp. 229-62. Sage Publications, Inc., 275 S. Beverly Dr., Beverly Hills, CA 90212. Price unknown. (Discussion of three types of reorganization: city-county consolidation, annexation, and councils of governments.)

*Study on the Adjustment of Municipal Boundaries*. Tennessee Legislative Council Committee, State Capitol, Nashville, TN 37219. 1973. 47 pp. Price unknown. (FR-1973 B-6.)

"Virginia Annexations in the Sixties." Edward L. Morton. *Virginia Town & City*, Aug. 1971, p. 13. Virginia Municipal League, 311 Ironfronts, 1011 E. Main St., Richmond, VA 23219. Single issue \$1.50.

#### Optimum City Size

The problems associated with annexation often lead to questions as to the size at which a city is best able to deliver services. There are no easy answers to these questions, however, as is noted by Alan K. Campbell in "Metropolitan Governance and the Mature Metropolis" (in *The Mature Metropolis*, Charles L. Leven, ed. Lexington Books, Lexington,

Massachusetts, 1976). "Taken together," says Campbell, "the criteria drawn from political science and economics provide little consistent guidance for either the drawing of governmental boundaries or the assignment of functions among the levels of government. Since the criteria themselves often point in contrary directions, it is only through trade-offs of advantages and disadvantages that they can be combined in a way which will provide direction for the placement of functions, or the structuring of the governmental system."

Despite the scarcity of specific guidelines, the references below suggest a theoretical framework for considering optimum city size.

"City Limits: Will Cities Continue to Grow and Grow, or Will Natural Limits Make Our Future Rural?" Lester R. Brown. *Not Man Apart*, vol. 6, no. 16 (Sept. 1976), 15 pp. Friends of the Earth, 124 Spear St., San Francisco, CA 94105. \$50.

*City Size and the Quality of Life: An Analysis of the Policy Implications of Continued Population Concentration*. Stanford Research Institute. U.S.G.P.O., Washington, DC 20402. Nov. 1974. 142 pp. \$2.15.

"City Size and Urban Life: A Preliminary Inquiry into Some Consequences of Growth in American Cities." Richard P. Appelbaum. *Urban Affairs Quarterly*, vol. 12, no. 2 (Dec. 1976), pp. 139-70. Sage Publications, 275 S. Beverly Dr., Beverly Hills, CA 90212. Price unknown.

*Optimum City Size and Municipal Efficiency: A Revised Version of Exchange Bibliography No. 52*. William A. Howard and James B. Kracht. Council of Planning Librarians, 1313 E. 60th St., Chicago, IL 60637. Jan. 1971. 8 pp. \$1.50. (Exchange Bibliography No. 169.)

"Optimum City Size: Some Thoughts on Theory and Policy." Larry D. Singell. *Land Economics*, vol. 50, no. 3 (Aug. 1974), pp. 207-12. Journals Department, University of Wisconsin Press, Box 1379, Madison, WI 53701. Price unknown.

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#### "Energy in the Cities" Topics

Topic areas have been announced for the "Energy in the Cities" symposium competition described in last month's *Memo*. They are (I) Energy Conservation, Land Use, and Orderly Growth; (II) Energy Use and a Strong Local Economy; (III) Energy Policy and Housing; (IV) Energy Policy and Alternative Technologies; (V) Energy Policy; and Transportation; (VI) Government's Role in Developing Energy Policy.

Submit four copies of papers—not to exceed 15 double-spaced, typed pages—by May 15 to Joel Werth at APA in Chicago.

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# B4

## City-County Consolidations: New Views for the Eighties\*

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Critics who disparage city-county consolidation suggest its incidence and usefulness are minimal. They contend unification's attraction has been mainly to reformers who provide a polite array of statistics and suggest simplifying the jumble of local governments in our urban and metropolitan areas.

It is true that this fragmentation at the local government level has been a major and philosophic theme of past reform efforts.<sup>1</sup> Further, despite the past rapid attention of urban administrators and scholars to the subject, the structural consolidation movement, until recently, has been confined to a very small percentage of urban and metropolitan areas.

Major upheavals have occurred during the 1970s to alter the traditional view of city-county consolidation, changes which have diminished the force of these past criticisms and which pointed new directions for the future. Consolidations are taking place at a surprisingly rapid rate. Contributors to this substantial shift in trends include the 1960 setback in federal regional consolidation requirements, federal court decisions on metropolitan equity, questions of service distribution and democratic representation, state legislative restructuring based on the 1970 census, greater state professionalization, and fiscal restraints which force localities to institute what in the past were politically unacceptable measures.

### PATTERNS OF CITY-COUNTY CONSOLIDATION ACTIVITY

The basic changes in trends are contained below, followed by an examination of the forces which have instigated the new trends. Data are presented in Tables 4/1 through 4/4.

\*The views of city-county consolidation presented in the authors to this article are partly shared and partly disputed from Lee Burrows, "Municipal Cities in Fiscal Straits: An Study Points to Counties," *Urban Land Times*, 8 November 1970, p. A-1.

32, 33, 40 fu's in draft report

Types. Numerous governmental reform proposals have been advanced, ranging from temporary and voluntary devices to a total reorganization of the metropolitan governance system. Less drastic devices include informal cooperation and service contracts; metropolitan-wide government represents the more far-reaching approach.

Metropolitan wide government can be achieved in several ways, including large scale annexation by the central city, creation of a regional multiservice district, creation of a local federal system, or consolidation of local governments in the metropolitan area into one accessible government.<sup>2</sup> The emphasis here is on the latter approach.

The National Association of Counties (NACo) defines city-county consolidation as the unification of the governments of one or more cities with the surrounding county. Boundary lines of the jurisdictions become coterminous.<sup>3</sup> Some incorporated jurisdictions may be excluded from the consolidation. Political considerations often dictate exempting smaller suburban governments from the initial consolidation, giving them the option of joining the consolidated government at a later date.

*Detroit, Cleveland, and Louisville are among the cities in the industrial Middle West that view reformed and strengthened county governments with considerable skepticism. These and other older central cities are losing a substantial part of their economic base through industrial relocation, obsolete physical facilities, and the perennial problem of unemployment and poverty. During the 1970s, for example, Cleveland has turned over sewers, mass transit, jails, and health and welfare systems . . . to a county council that directly diminishes the power of the Mayor and City Council to regulate services for citizens.*

**Historical Developments.** City-county consolidation referendum activity has been uneven during the years since the first attempt in 1921. For example, there was a dramatic spurt of referenda in the 1969-1979 decade following a period of steady, but slow activity in the post-World War II era (Table 4/1).

The median year for consolidation attempts by referenda by 1970 — as many consolidation referenda occurred prior to that point as have occurred since. Thus the following 8 years contain as much activity as the previous 48. The literature of the 1960s and early 1970s distinguished pre- and post-World War II consolidation efforts. The long break from 1936 to 1947 was less the result of internal changes in the consolidation movement than of the external factors of the Depression and the World War. A county preoccupied with such weighty matters had little time for the odd pursuit of consolidation referenda. Post-World War II saw a return to an annual rate of efforts similar to the pre-Depression years. This steady picture continued

until the dramatic surge of the 1970s marked the start of the new period. The watershed years are not post-World War II, but the early 1970s.

**Regional Differences.** Activities in the past several years indicate the trend of successful consolidation referenda is moving out of the South and into the West (Table 4/1). Western states and southern states have increased their pace of referenda activity. What distinguishes the two groups is that until 1969 no western state had achieved consolidation and since 1972 there have been no consolidations in the South. Three out of nine attempts have succeeded in the West since 1972, while the South has failed on eleven attempts. This is a striking reversal.

The often-mentioned axiom that consolidation referenda are a phenomenon confined primarily to 4 southern states: Virginia (with 13 cities), Georgia (with 7), Florida (with 6), and Tennessee (with 6). There have been a total of 49 votes in those 32 cities. This is more than half the total number of the 85 referenda held nationwide. The other 12 southern states account for only 10 votes in 9 cities (Table 4/2).

For a variety of reasons, the mature city of the North Central and Northeast regions continues to be the odd man out of consolidation referenda. The sole recent success in the Northeast or North Central region has been a legislative consolidation under unique circumstances. Other literature has discussed the trend in the North Central region toward functional transfer rather than consolidation of services from the city to county level. (See the sidebar throughout this article.)

**Concentration of Referenda.** While there have been 85 known referenda, they have involved only 57 different communities — 36 once, 15 twice, 5 three times and 1 four times (Macon-Bibb) (Table 4/2). This represents less than 1% of the cities in the United States. Successes. Consolidation has been achieved through state legislative mandate 10 times, and by local referendum 17 times. Voter-approved consolidations have clustered in the South and in smaller population areas, and all have occurred since 1921 (Tables 4/1 and 4/2). Legislatively-mandated consolidations have been almost exclusively outside the southern region and in the largest metropolitan areas; for the most part they have occurred during the 1960s and at the turn of the 20th century (Table 4/3). Two recent state legislatively-imposed consolidations after a 65-year lapse suggest a revival of this approach as a part of a reemerging state role in metropolitan reorganization.

**Population.** Referenda consolidation attempts have occurred in the population range of 100,000 to 249,999 (Table 4/4). Referenda attempts in cities under 25,000 have an impressive approval level with 10 out of 15 attempts having succeeded. The 14 attempts in the range above 250,000 population have all failed.

In both the South and West, those referenda occurring in smaller cities have fared better than their larger city counterparts. This success could reflect the smaller cities' lighter impact on the total region or a less politically fragmented con-

Table 4/1 NUMBER OF CIT

Year	Annual total	
	No. of referenda held	No. successful
1921	1	1
1924	1	1
1926	1	1
1927	1	1
1932	1	1
1933	1	1
1938	1	1
1947	1	1
1948	1	1
1953	1	1
1954	1	1
1956	1	1
1957	1	1
1958	1	1
1959	1	1
1960	1	1
1961	1	1
1962	1	1
1963	1	1
1964	1	1
1965	1	1
1966	1	1
1967	1	1
1968	1	1
1969	1	1
1970	1	1
1971	1	1
1972	1	1
1973	1	1
1974	1	1
1975	1	1
1976	1	1
1977	1	1
1978	1	1
1979	1	1

Lower L. 1 indicate no consolidation.

\*The Northeast region includes: Connecticut, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island.  
†The North Central region includes: I

vement with less disruption of antagonisms.

### GOVERNMENTAL A

and the 1970s the history of metropolitan consolidation has been one of rejection. Most of the many still are killed by the from a lack of active support from the voters. The n that survive and make it t on the increase, but proposals are rejected. Rejection continues some of reorganization refer

An analysis of the 85 known consolidation referenda suggests numerous local variations in patterns of rejection, variables re influences and influences. The terms major need to indicate relative importance in any particular are used to indicate that certain variables in accounts of voters, while others are fact a few cases.)

The major variables which these attempts include: polit

Table 4/1 NUMBER OF CITY-COUNTY CONSOLIDATIONS KNOWN TO HAVE BEEN HELD, 1921-1979

Year	Annual total		Northeast <sup>1</sup>		North Central <sup>2</sup>		South <sup>3</sup>		West <sup>4</sup>	
	No. of referenda held	No. of referenda passed	No. of referenda held	No. of referenda passed	No. of referenda held	No. of referenda passed	No. of referenda held	No. of referenda passed	No. of referenda held	No. of referenda passed
1921	1	0	..	..	..	..	..	..	1	0
1924	1	0	..	..	..	..	..	..	..	..
1925	1	0	..	..	1	0	..	..	..	..
1927	1	0	..	..	..	..	..	..	1	0
1932	1	0	1	0	..	..	..	..	..	..
1933	2	0	..	..	..	..	1	0	1	0
1935	1	0	..	..	..	..	..	..	..	..
1947	1	1	..	..	..	..	1	1	..	..
1948	2	0	..	..	..	..	2	0	..	..
1950	1	1	..	..	..	..	1	1	..	..
1952	1	1	..	..	..	..	1	1	..	..
1954	1	0	..	..	..	..	1	0	..	..
1956	1	0	..	..	..	..	1	0	..	..
1958	1	0	..	..	..	..	1	0	..	..
1959	2	0	..	..	..	..	1	0	1	0
1960	2	0	..	..	..	..	1	0	1	0
1961	2	0	..	..	..	..	2	0	..	..
1962	7	0	..	..	..	..	1	0	..	..
1964	1	0	..	..	..	..	1	0	..	..
1967	2	0	..	..	..	..	2	1	..	..
1968	2	0	..	..	..	..	1	0	1	0
1970	4	1	..	..	..	..	2	1	2	1
1972	4	2	..	..	..	..	7	1	2	1
1973	5	0	..	..	..	..	4	0	1	0
1974	6	0	..	..	..	..	3	0	3	0
1975	4	0	..	..	..	..	2	0	2	1
1976	4	0	..	..	..	..	2	0	2	0
1977	4	2	..	..	..	..	2	0	2	2
1978	3	0	..	..	..	..	2	0	1	0
1979	3	0	..	..	..	..	2	0	1	0

Legend: (.) indicate no consolidation referendum known.

<sup>1</sup>The Northeast region includes: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

<sup>2</sup>The North Central region includes: Illinois, Indiana,

Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

<sup>3</sup>The South includes: Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina,

Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

<sup>4</sup>The West includes: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

Age of the 1970s marked the end. The watershed years are 1971, but the early 1970s. Activities in the past indicate the trend of successful consolidation is moving out of the West (Table 4/1). Western states have increased their activity. What distinguishes until 1969 no western state and since 1972 there have succeeded in the West. South has failed on eleven striking reversal. A new dictum that consolidation phenomenon of the South's a phenomenon confined in states: Virginia (with 13 of 7), Florida (with 6), and There have been a total of 85 referenda held in the 85 referenda held in 12 southern states in 9 cities (Table 4/2). The Northeast region continues out of consolidation referenda success in the Northeast or has been a legislative con- siderable circumstances. Other trend the trend in the North of functional transfer rather of the sidebars throughout this

Referenda. While there in referenda, they have in- ferent communities — 36 in 42). This represents less in the United States. tion has been achieved five mandate 10 times, and 17 times. Voter-approved in the South tion areas, and all have 21 (Tables 4/1 and 4/2). ated consolidations have ively outside the southern est metropolitan areas; for ve occurred during the 19th - 20th century (Table 4/3). atively-imposed consoli- ar lapse suggest a revival of a re-emerging state role ganization. erenda consolidation at- in the population range of (Table 4/1). Referenda of 25,000 have an impressive ous of 15 attempts having tempts in the range above have all failed. and West, those referenda ties have farced better than repants. This success could es' lighter impact on their politically fragmented en-

environment with less disruption and fewer political antagonisms.

#### GOVERNMENTAL ACTIONS

Until the 1970s the history of local proposals for metropolitan consolidation had been one of near universal rejection. Most of the proposals were, and many still are, killed by hostile interests or die from a lack of active support and never are presented to the voters. The number of proposals that survive and make it to the voting booth is on the increase, but proposals still are generally rejected. Rejection continues as the normal outcome of reorganization referenda.

An analysis of the 85 known cases in Table 4/2 suggests numerous local variables that influence this pattern of rejection, classified as major variables or influences and lesser variables or influences. (The terms major and lesser here are not used to indicate relative importance of any one variable in any particular referendum. They are used to indicate that certain variables appear repeatedly in accounts of consolidation attempts, while others are factors isolated to only a few cases.)

The major variables which influence referendum attempts include political parties, race,

socioeconomic differences, special indigenous characteristics or events, and service perceptions. Minor variables include sparsity, leadership problems, legal restrictions, lack of knowledge of proposals, philosophical disagreement, and alienation.

Starting with the beginning of the 1970 decade, however, state efforts to change their statutes were reflected in the stepped up pace of consolidation efforts, and this accelerated pace, by their weight of numbers, has increased the number of successful consolidations. How have states been changing the rules? Why? The answer to the first question comes more easily than the second.

How States Have Changed the Rules. In recent years, many states have been changing their statutes controlling localities' ability to reform their structures and forms of government, and to encourage local government consoli-

*"The trend has . . . been toward the outright loss of authority over city services and functions without the city's gaining the counterbalancing advantage of a shared tax base except for the newly shared services."*

tion. The large number of cities attempting consolidation in Virginia illustrates how crucial state laws are in advancing change. Sixteen states have adopted general constitutional statutory authorization for city-county consolidation.<sup>5</sup> Other states have proposed constitutional amendments to specifically facilitate city-county mergers, including Colorado in 1969 and Iowa in 1976.

States which have passed facilitating legislation include the following examples and case studies: In its 1968-69 legislative session, Oregon authorized city-county mergers for cities over 300,000 population. Arkansas in 1969 permitted local governments to consolidate. Consolidations were permitted in a greatly increased number of counties as a result of 1970-71 Kentucky legislation. In 1972, Washington removed the population requirement for consolidations and provided for the retention or creation of municipalities within the consolidated government.

In 1975 Alaska reduced the percentage required to approve a merger or consolidation of local government corporations from two-thirds to one-half of those voting. Florida has long supported local government review commissions and, in 1978, established a new Advisory Council on Intergovernmental Relations. A

Table 4/2 ROSTER OF CITY-COUNTY CONSOLIDATIONS KNOWN TO HAVE BEEN HELD, 1921-1978

Year	City/County	Result	Year	City/County	Result
1921	Oakland/Alameda County, California	fail	1970	Columbia/Metacomb County, Georgia	pass
1924	Butte/Silver Bow County, Montana	fail	1970	Pennington/Eschscholtz County, Florida	fail
1925	St. Louis/St. Louis County, Missouri	fail	1970	Tampa/Hillsborough County, Florida	fail
1927	Portland/Multnomah County, Oregon	fail	1971	Anchorage/Greater Anchorage Area Borough, Alaska	fail
1927	Pittsburgh/Allegheny County, Pennsylvania	fail	1971	Augusta/Richmond County, Georgia	fail
1923	Several municipalities/Beaumont County, Montana	fail	1971	Bristol/Washington County, Tennessee	fail
1923	Macon/Bibb County, Georgia	fail	1971	Charlotte/Mecklenburg County, North Carolina	fail
1926	Jacksonville/Duval County, Florida	fail	1971	Ft. Pierce/St. Lucie County, Florida	fail
1947	Baton Rouge/East Baton Rouge Parish, Louisiana	pass	1971	Holland and Whately/Henrieville County, Virginia	pass
1946	Birmingham/Jefferson County, Alabama	fail	1971	Memphis/DeSoto County, Tennessee	fail
1949	Harris/Dwight County, Florida	fail	1971	Sikee/Greater Sikee Borough, Alaska	pass
1952	Elizabeth City/Currituck County, Virginia	pass	1971	Tallahassee/Leon County, Florida	fail
1953	Hampden and Froebel/Henrich City County, Virginia	fail	1972	Athens/Clarke County, Georgia	fail
1953	Miami/Dade County, Florida	fail	1972	Lexington/Fayette County, Kentucky	pass
1954	Albany/Dougherty County, Georgia	fail	1972	Macon/Bibb County, Georgia	fail
1954	Albany/Dougherty County, Georgia	fail	1972	St. Louis/St. Louis County, Missouri	fail
1957	Norfolk/Henrico County, Virginia	pass	1972	Salisbury/Henrieville County, Virginia	fail
1958	Nashville/Davidson County, Tennessee	pass	1972	Tampa/Hillsborough County, Florida	fail
1959	Albuquerque/Bernalillo County, New Mexico	fail	1972	Albuquerque/Bernalillo County, New Mexico	fail
1959	Kidder/Knox County, Tennessee	fail	1972	Calumet/Richland County, South Carolina	fail
1960	Macon/Bibb County, Georgia	fail	1972	Savannah/Chatham County, Georgia	fail
1960	Several municipalities/Ravalli County, Montana	fail	1972	Tallahassee/Leon County, Florida	fail
1961	Durham/Durham County, North Carolina	fail	1972	Wilmington/New Hanover County, North Carolina	fail
1961	Richmond/Henrico County, Virginia	fail	1974	Augusta/Richmond County, Georgia	fail
1962	Chattanooga/Hamilton County, Tennessee	fail	1974	Charleston/Charleston County, South Carolina	fail
1962	Columbus/Muskegon County, Georgia	fail	1974	Durham/Durham County, North Carolina	fail
1962	Memphis/Shelby County, Tennessee	fail	1974	Evansville/Vanderburgh County, Indiana	fail
1962	Nashville/Davidson County, Tennessee	pass	1974	Portland/Multnomah County, Oregon	fail
1962	St. Louis/St. Louis County, Missouri	fail	1974	Sacramento/Sacramento County, California	fail
1962	St. Louis/St. Louis County, Missouri	fail	1975	Anchorage, Glen Alps, and Greenwood/Greater Anchorage Area Borough, Alaska	pass
1962	Virginia Beach/Pt. View County, Virginia	pass	1975	Ashland and Callisto/Buick County, Kentucky	fail
1964	Chattanooga/Hamilton County, Tennessee	fail	1975	Massachusetts/Massachusetts County, Montana	fail
1967	Jacksonville/Duval County, Florida	pass	1975	Salt Lake/Salt Lake County, Utah	fail
1967	Tampa/Hillsborough County, Florida	fail	1976	Angoon/Dear Lodge County, Montana	pass
1969	Athens/Clarke County, Georgia	fail	1976	Augusta/Richmond County, Georgia	fail
1969	Brunswick/Glynn County, Georgia	fail	1976	Butte/Columbia County, Montana	pass
1969	Carson City/Ormsby County, Nevada	pass	1976	Front Royal/Warren County, Virginia	fail
1969	Juneau and Douglas/Greater Juneau Borough, Alaska	pass	1976	Macon/Bibb County, Georgia	fail
1969	Raanona/Raanona County, Virginia	fail	1976	Moab/Grand County, Utah	fail
1969	Winchester/Fredricks County, Virginia	fail	1978	Knoxville/Knox County, Tennessee	fail
1970	Anchorage/Greater Anchorage Area Borough, Alaska	fail	1978	Marietta/Hamilton County, Tennessee	fail
1970	Charlottesville/Albemarle County, Virginia	fail	1978	Salt Lake/Salt Lake County, Utah	fail
1970	Chattanooga/Hamilton County, Tennessee	fail			

<sup>1</sup>The locality originally was a county, but it actually became a city prior to the referendum.

<sup>2</sup>The locality was some time of the time of the merger attempt with the county.

1969 Indianapolis/Marion County, Indiana passed *← not a referendum - legislative by state*

unique mandatory voter review of local government at least once every 10 years was required under Montana's 1972 new constitution, but it subsequently was made optional in 1978. The Utah legislature authorized optional forms of county government in 1975, including the city-county consolidated form. The Nevada legislature chose to overlap city and county governing bodies, similar to the Baton Rouge-East Baton Rouge system, as a means to bring unity to the Las Vegas urban area in 1975, but it was voided in 1976 by the state supreme court. Why the C-changes? The answer to the question of why the changes have occurred is complex. Part of the increased state involvement in local government consolidation referenda and in legislative consolidations is attributable to improvements in state government administration and in state legislatures. With increasing state professionalism comes a feeling of responsibility for improving local government operation. The realignment of electoral districts mandated by the reapportionment cases of the 1960s has given urban areas a long-denied constitutional voice in state legislatures. Based on the 1970 census, the state legislatures of the 1970s have been the first ones of modern times to accurately reflect the new state population apportionment patterns. Certainly some of the increased state attention and professionalism derives from this factor. However, both city and suburban interests ganged political representation at the expense of rural state regions. Their new ability to present demands at the state level has meant increased reform activity, but it also has increased the potential for conflict between city and suburban interests. Demand for state reform activity in urban areas has increased, but the possibility of enacting reform among acrimonious city and suburban voices seems not to have increased as much as might be expected. As state legislators and administrators experiment with functional integration of services, especially in human resources and transportation, it is only natural that they feel concern about the jurisdictional fragmentation in their local governments. The gains of state functional integrations are often lessened by the existence of the fairly extreme jurisdictional fragmentation found in many localities. The increased cost of government has been

Table 4/3 LEGISLATURE MANDATED CITY-COUNTY CONSOLIDATIONS, 1805-1975

Year	Region	City/County
1805	South	New Orleans/Oreans Parish
1821	Northeast	Boston/Suffolk County
1854	Northeast	Philadelphia/Philadelphia County
1856	West	San Francisco/San Francisco County
1874	Northeast	New York/New York County, and Richmond County
1898	Northeast	New York/Brooklyn, Queens, and Richmond County
1904	West	Denver/Denver County
1907	West	Honolulu/Honolulu County
1908	North Central	Indianapolis/Marion County
1915	West	Las Vegas/Clark County <sup>1</sup>

<sup>1</sup>State supreme court subsequently voided the consolidation.

another factor stimulating state action. As local costs such as school construction and welfare costs are transferred to the states, and as state-shared taxes and grants-in-aid account for an ever increasing share of local budgets, it is to be

Table 4/4 NUMBER OF CITY-

Population group	Number of City-
Over 1,000,000	.....
500,000-1,000,000	.....
250,000-499,999	.....
100,000-249,999	.....
50,000-99,999	.....
25,000-49,999	.....
10,000-24,999	.....
5,000-9,999	.....
2,500-4,999	.....
Under 2,500	.....

Leaders (L) indicate no consolidation referenda. See footnotes in Table 4/1 for annexation within each region.

anticipated that state governments greater interest not only in the price the structure of local government, but rapid population growth of metro; has forced state governments and I devote more attention to these g blocks.

Financial hardships for govern three levels of federalism have sharp edge of tension into inter relations. As governments implement management techniques, they b beyond their own dwindling level; for sources of relief.

For many states, this has me search for additional federal fun accelerated their increasing state reorganization mechanisms. City consolidation plans, with their tute features, both by merging severa structures into one bureaucratic creating service delivery efficiencies, which make them more attractiv cost-conscious state governments as in *Serrano v. Priest*,<sup>8</sup> already upon some metropolitan area clai of equalization of services. It is step toward the higher level o stimulating local government r and/or service level adjustments. Along this line, the national quiring regional planning and c variety of functional area, neal enforcement, justice, water and s tation, and environmental prote lated many states to impose l regional organizations on the lo

The loss of control, whether county consolidation, service r adjustments of special districts i the county, or the various ind county boards that manage shar come the focus of the policies Federal and state aid, of plan rates and ambitions of futur

Table 4/4 NUMBER OF CITY-COUNTY CONSOLIDATION REFERENDA BY REGION<sup>1</sup> AND POPULATION GROUP<sup>2</sup>

	Total		Northeast		North Central		South		West	
	No. of referenda held	No. of referenda passed	No. of referenda held	No. of referenda passed	No. of referenda held	No. of referenda passed	No. of referenda held	No. of referenda passed	No. of referenda held	No. of referenda passed
Population group										
Over 1,000,000	1	0	1	0	3	0	1	0	1	0
800,000-1,000,000	6	0	0	0	0	0	0	0	0	0
250,000-499,999	8	0	0	0	1	0	30	4	8	0
100,000-249,999	28	4	0	0	0	0	12	0	6	0
50,000-99,999	13	1	0	0	0	0	11	2	4	0
25,000-49,999	10	1	0	0	0	0	4	1	1	1
10,000-24,999	6	2	0	0	0	0	4	3	1	1
8,000-9,999	7	6	0	0	0	0	0	0	2	1
2,500-4,999	2	1	0	0	0	0	1	1	0	0
Under 2,500	1	1	0	0	0	0	0	0	0	0

<sup>1</sup>States L, I indicate no consolidation referendum known. See footnotes to Table 4/1 for stimulation of the states within each region.

<sup>2</sup>Population figures for several municipalities in Resalt County, Montana, were unavailable.

State	Year
Ala.	1951
Ala.	1952
Ala.	1953
Ala.	1954
Ala.	1955
Ala.	1956
Ala.	1957
Ala.	1958
Ala.	1959
Ala.	1960
Ala.	1961
Ala.	1962
Ala.	1963
Ala.	1964
Ala.	1965
Ala.	1966
Ala.	1967
Ala.	1968
Ala.	1969
Ala.	1970
Ala.	1971
Ala.	1972
Ala.	1973
Ala.	1974
Ala.	1975
Ala.	1976
Ala.	1977
Ala.	1978
Ala.	1979
Ala.	1980
Ala.	1981
Ala.	1982
Ala.	1983
Ala.	1984
Ala.	1985
Ala.	1986
Ala.	1987
Ala.	1988
Ala.	1989
Ala.	1990
Ala.	1991
Ala.	1992
Ala.	1993
Ala.	1994
Ala.	1995
Ala.	1996
Ala.	1997
Ala.	1998
Ala.	1999
Ala.	2000
Ala.	2001
Ala.	2002
Ala.	2003
Ala.	2004
Ala.	2005
Ala.	2006
Ala.	2007
Ala.	2008
Ala.	2009
Ala.	2010
Ala.	2011
Ala.	2012
Ala.	2013
Ala.	2014
Ala.	2015
Ala.	2016
Ala.	2017
Ala.	2018
Ala.	2019
Ala.	2020
Ala.	2021
Ala.	2022
Ala.	2023
Ala.	2024
Ala.	2025
Ala.	2026
Ala.	2027
Ala.	2028
Ala.	2029
Ala.	2030

LEGISLATURE MANDATED COUNTY CONSOLIDATIONS, 1805-1975

City/County
New Orleans/Oriente Parish
Boston/Suffolk County
Philadelphia/Philadelphia County
San Francisco/San Francisco County
New York/New York County
New York/Brooklyn, Queens, and Richmond County
Dallas/Dallas County
Honolulu/Honolulu County
Indianapolis/Marion County
Las Vegas/Clark County

Subsequently modeled the consolidating state action. As local school construction and welfare refered to the states, and as state-grants-in-aid account for an are of local budgets, it is to be

anticipated that state governments will take a greater interest not only in the process but also in the structure of local government. Further, the rapid population growth of metropolitan areas has forced state governors and legislators to devote more attention to these growing voter blocs.

Financial hardships for government at all three levels of federalism have interjected a sharp edge of tension into intergovernmental relations. As governments implement cutback management techniques, they begin to look beyond their own dwindling levels of resources for sources of relief.

For many states, this has meant a hurried search for additional federal funds, but it has accelerated their increasing attention to local reorganization mechanisms. City-county consolidation plans, with their touted cost-saving features, both by merging several governmental structures into one bureaucracy, and by increasing service delivery efficiency, have facets which make them more attractive than ever to cost-conscious state governments. State courts, as in *Serrano v. Priest*,<sup>1</sup> already have forced upon some metropolitan area citizens the policy of equalization of services. It is another small step toward the higher levels of government stimulating local government reorganization and/or service level adjustments and transfers.

Along this line, the national legislation requiring regional planning and coordination in a variety of functional areas, notably health, law enforcement, justice, water and sewer, transportation, and environmental protection, has stimulated many states to impose limited-purpose regional organizations on their localities. After a

*The loss of control, whether through city-county consolidation, service contracts, or establishment of special districts means... that the courts, or the various independent city-county boards that manage shared services, become the focus of the policies and political Federal and state aid, of planning, and of the talents and ambitions of future leaders.*

series of state laws over a period of years mandated the creation of health systems planning agencies on an area-wide scale and other functional planning bodies, it was a fairly easy and logical next step for state legislators to begin to think of ways to improve the overall structural organization of their states' urban and metropolitan areas.

The more extreme, but no less logical, next step is for legislators to consider mandating local referenda, as did Montana, or even passing legislation requiring a consolidation. The Indianapolis reorganization occurred through the latter process. A similar effort for Las Vegas passed the state legislature, but was negated by the courts. The Alabama legislature failed to approve by one vote a consolidation of part of Jefferson County with the city of Birmingham. Similarly, a bill amending the Georgia state constitution to allow Atlanta-Fulton County consolidation did receive a majority of the Georgia House of Representatives in 1972, failing, however, to meet a constitutional two-thirds margin.

As previously noted, the national government has taken actions to encourage a more rational metropolitan scene. A combination of grant-in-aid funding with metropolitan-wide comprehensive planning and review requirements — the famous 244, 701, and A-95 procedures — has already played a major part in local government organization, especially as a stimulus for the growth of stronger councils of governments.<sup>2</sup>

A more recent area in which the federal government, through the court system, has moved to bring some rationalization to the metropolitan scene has been in the equalization of services. A gradual expansion of equality of service delivery, beginning with *Hawkins v. Town of Shaw*,<sup>3</sup> could influence future city-county consolidation efforts. In cases such as *Hawkins*, where plaintiffs demonstrate that facilities and services have been provided unequally to minority areas as a result of racial factors, the courts may mandate relief. Court-ordered equalization of budget levels for richer and poorer areas of a city or region could reduce the service variable's influence on city-county consolidation efforts.

The case of *Serrano v. Priest* laid down fur-

ther broad principles for demanding equalization of services between rich and poor sections of a community, dependent on the jurisdiction's ability to demonstrate material factors for the inequalities. The U.S. Supreme Court, however, minimized the national potential of *Serrano* in the *San Antonio Independent School District v. Rodriguez*<sup>4</sup> decision. The Supreme Court has been reluctant to infer intent to discriminate in services and facilities provisions from simply a presentation of evidence of service disparities.<sup>5</sup>

*But what about the people who are left behind? What about the poor as a minority? They are the people, according to Timothy Hagan, chairman of Cleveland's Cuyahoga County Democratic Committee, "... who need the most political leverage to improve their lives, but they lose leverage every time they give up another asset. So the weaker city's political clout is being dissipated. It's following the money and the education to the suburbs."*

The federal Voting Rights Act of 1965<sup>6</sup> is a secondary federal influence and, if applied to its fullest, could seriously undermine metropolitan area efforts for enlarging the central city. The 1971 *Perkins v. Matthews*<sup>7</sup> case empowered the United States Attorney General to bring suit under the Voting Rights Act of 1965 in cases of minority vote dilution resulting from boundary changes. Currently, only annexation and incorporation proceedings have had major challenges under the act, but the statute does apply in city-county consolidations. The courts would likely treat a major consolidation challenge in the same manner as previous annexation challenges. In no instance of annexation violation of the statute has the Supreme Court demanded deannexation to remedy the violation. It is unlikely, therefore, that any deconsolidations would result. The Supreme Court has taken a more moderate remedial approach, generally requiring the institution of ward-based election systems.

*but increase in pop also dilutes effect*

As the Supreme Court moved from *Baker v. Carr*<sup>13</sup> and the Voting Rights Act of 1965 to the complications presented in the Richmond annexation cases,<sup>14</sup> it has gradually established an expanding base for standards of proof in weighing changes in voting rights laws or procedures. If standards in the Richmond case continue in application, any jurisdiction challenged on annexation procedures or, potentially, consolidation procedures, need show only an economic or administrative advantage in the annexation or consolidation and show that any dilution of minority voting strength has been neutralized through a postannexation single district plan. Both are readily, though expensively, obtainable, as the Richmond case shows. "Judicial redefinition of the statute," Peter Weiner remarks, "has imparted a balancing test which includes recognition of the relative nonrecognition of boundary changes, in this case even where discriminatory motivation has been amply demonstrated."<sup>15</sup>

The dual trends of emancipation of the act's powers by the courts and of the slow evolution of balancing standards by the Supreme Court and the Justice Department lead Weiner to suggest "that the time may be ripe to bring such claims under state law, alleging violations of state constitutional standards."<sup>16</sup> Certain state court systems, notably California and New Jersey, may be chose to enter this territory.

#### CONCLUSION

On the national scale, the evolution here is that the Justice Department and Supreme Court will gradually evolve a politically acceptable set of balancing standards which will enable central cities to extend themselves outward to encompass a broader fiscal base and which at the same time will minimally reduce minority voting strength. By giving annexation and consolidation proceedings this attractively modified statutory base, the federal governments and courts ultimately will be encouraging those devices which achieve a more unified metropolitan area. This policy, supportive of structural consolidation, may be more viable for a few regions than opposite federal policies which attempt to handle fragmentation through coordinative devices such as A-95.

The judicial branch has begun, and is likely to continue, to review various situations resulting from fragmentation and its reform efforts. The representation scheme for area-wide adaptive devices, including special districts and annexations, is being continually reviewed for constitutionality and fairness. The courts also continue to review the equity questions in services deliv-

William J. Belanger, Jr., head of Louisville's Community Development Office, said, as he discussed his city's surrender of one junction after another to a growing Jefferson County government: "By the time the racial balance gets to 50-50, you'll see the first black Mayor of Louisville, and he'll be the Mayor of nothing."

ery. Concern ranges from a possible cross-jurisdiction busing mandate as an outgrowth of the *Buchanan v. Evans*<sup>17</sup> decision through a review of the racial implications of the Richmond annexation to the service disparities raised in *Serrano v. Priest*.<sup>18</sup>

Many states will continue to change their statutes to facilitate metropolitan reorganization. Some states have already abolished requirements for extraordinary majorities, minimum voter turnout, and concurrent majorities. Other states, especially in the South and West, are attempting to head off fragmentation with "no incorporation-easy annexation" laws.

One of the most significant state changes is the proposal for ending the requirement for popular referendum approval of a local government reform. Some of our largest cities of today (e.g., Boston, Philadelphia, New Orleans, and New York) were created in 19th century city-county consolidation actions by state legislatures (Table 43). That approach has been revived in several states. The 1969 Indiana legislature merged Marion County and Indianapolis. In 1975, the Nevada legislature merged Las Vegas and Clark County (later voided by the state court). Other state legislatures are considering similar actions.

One has mixed reactions about reorganization by state legislative action. It does, of course, eliminate many of the causes of past rejections. However, that approach plays havoc with the strongly held tradition of popular approval of forms of local government as well as opening the door to a new and dangerous gerrymandering of governmental structures.

Most efforts to deal with fragmentation, however, will continue to be through devices such as transfer of functions to the county or establishment of an interlocal agreement. This rather unimaginative conclusion is a realistic assessment of the political and legal difficulties involved in major structural change, as well as appreciation that, for all the rhetoric about the failings of the current arrangement, it almost always handles the tasks at hand.

There will continue to be a faster pace in referenda consolidation efforts in the South and West as reflected in post-1970 activity. This higher level of activity will generate some suc-

cesses in these regions with the largest numbers concentrated in the West.

The unification movement of the 1980s, whose role lies not in the idealistic reform of fragmentation's ills but in more practical realms of financial limitations or improved urban management, is finding a greater number of jurisdictions willing to give serious consideration to metropolitan reorganization. It is a new view which holds much promise of city-county consolidation activity in the near future.

<sup>13</sup>See for example, Vincent L. Marando, "An Overview of the Political Feasibility of Local Governmental Reorganization," *Organizing Public Services in Metropolitan America*, ed. Thomas P. Murphy and Charles B. Starnes (Lexington, Mass.: D. C. Heath and Company, 1974), pp. 17-51; Farn N. Glendening and Patricia S. Adams, "The Politics of City-County Consolidation," *The County Year Book 1977* (Washington, D.C.: National Association of Counties and International City Managers Association, 1977), pp. 45-69; and Timothy Schiltz and William Moffitt, "Inter-City/Outer-City Relationships in Metropolitan Areas: A Bibliographic Essay," *Urban Affairs Quarterly*, vol. 7, no. 1 (September 1971).

<sup>14</sup>ROSCOE C. MATTIS, *Metropolis in Transition: Local Government Adaptation to Changing Urban Needs* (Washington, D.C.: U.S. Government Printing Office, 1963) contains one of the many useful typologies.

<sup>15</sup>County News, 10 November 1975, p. 15.

<sup>16</sup>Glendening and Adams, and Farn N. Glendening and Maria Mann Reeves, "Structural Relations, Fragmented Federation," in *Fragmented Federalism* (Pacific Palisades, Calif.: Palisades Publishers, 1977), pp. 285-309.

<sup>17</sup>Malvin H. Hill, Jr., *State Laws Governing Local Government Structure and Function* (Athens, Georgia: Institute of Government, University of Georgia, 1978), pp. 15, 22, 28, 36.

<sup>18</sup>43 Cal. 2d 384, 487 P. 2d 1241, 90 Cal. Rptr. 607 (1973).

<sup>19</sup>Farn N. Glendening, "The Federal Role in Regional Planning Councils: Trends and Implications," *The Review of Regional Studies*, vol. 1, no. 3 (Spring 1971-72), pp. 93-116.

<sup>20</sup>437 F. 2d 1256 (1971), affirmed on rehearing en banc, 461 F. 2d 1171 (5th Cir. 1972).

<sup>21</sup>411 U.S. 1 (1971).

<sup>22</sup>Donald G. Hargan, "The Use of Boundary Lines to Discriminate in the Provision of Services by Race," *University of Detroit Journal of Urban Law*, 54:3-4 (Spring and Summer 1973), pp. 849-97.

<sup>23</sup>42 U.S.C. 1976 (1970).

<sup>24</sup>400 U.S. 379 (1971).

<sup>25</sup>369 U.S. 186 (1962).

<sup>26</sup>Walt v. City of Richmond, 334 F. Supp. 228 (E.D. Va. 1971); *Walt v. City of Richmond*, 459 F. 2d 1091 (4th Cir. 1972), cert. denied, 408 U.S. 931 (1972); *City of Richmond v. United States*, 376 F. Supp. 1344 (D.D.C. 1974), and *City of Richmond v. United States*, 422 U.S. 358 (1975).

<sup>27</sup>"Boundary Changes and the Future of the Vote," *University of Detroit Journal of Urban Law*, 54:3-4 (Spring and Summer 1977), p. 990.

<sup>28</sup>Id., p. 1004.

<sup>29</sup>423 U.S. 963 (1975), rehearing denied, 423 U.S. 1080 (1975).

# B5

## Mandating — A Key Issue for Cities

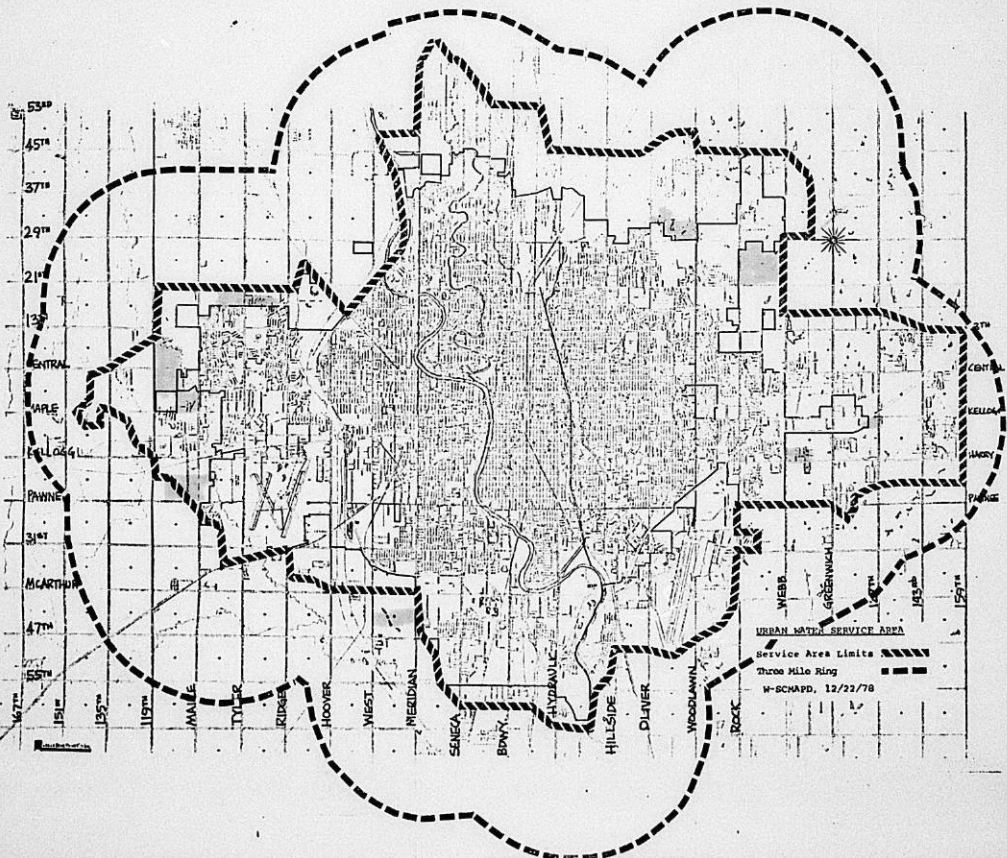
Catherine H. Lovell  
Graduate School of Administration  
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Executive Assistant  
Board of Supervisors  
Riverside County, California

Mandating by the federal and state local governments has become cities. Both state and federal are numerous and expanding in city, range, and scope. The point where the boundaries programmatic, and procedural arrangements have been significant. Whether this is judged good or the values of the observer.

In one sense, the mandate is recent expression of long-standing uneasiness in the relationship between and their respective states and federal government.<sup>1</sup> Conflicts and their states have and disruptive. Localities have sliver to what they have regard manner with which states have affairs and dictated both form agreement and the substance of North Carolina, in 1815, imposed its localities to remove its 1855 Chicago was obliged by establish a board of sewage collection of avoiding further cholera. 1865 the state of New York (New York to adopt building codes later forced the city to disband companies and replace them with unions.<sup>2</sup>

States have also abolished local administered local functions of houses after disbanding the local

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# **REPORT**

OF THE  
JOHNSON COUNTY CHARTER  
COMMISSION

PRESENTED TO THE  
BOARD OF  
COUNTY COMMISSIONERS  
AND  
CITIZENS  
OF  
JOHNSON COUNTY

## INTRODUCTION

The Johnson County Charter Commission is pleased to present to the Board of County Commissioners this Report, as an accompanying document to the proposed Johnson County Charter. This Report is a summary of the creation, organization and activities of the Charter Commission as well as an outline and brief commentary on the Charter's contents.

The Charter draft, this Report and the Charter Commission itself constitute a unique experience in the annals of Kansas County Government. For the first time in Kansas history, electors of a Kansas County have the opportunity to approve or disapprove a reorganization of their County government as recommended in a proposed County Charter drafted by a commission of County citizens.

In the 200th year of this Nation, it is in the American political tradition that such an event should occur. Differing only in scope, the Charter Commission and its final product parallel the concerns of a government's citizens for the welfare of their government that occurred 200 years ago. As with the Nation's founding fathers, the Charter Commission has been concerned with conserving the best of what now exists and, where it was thought necessary, altering other features of government organization to effect a restructured government better able to deal with current needs and flexible enough to adapt to future needs.

This Report briefly reviews some of the concerns and topics deliberated by the Charter Commission in its 50 meetings over a fifteen month period of time; a complete report would comprise many volumes. Additional information on any subject matter summarized in this Report is available from the Charter Commission. The Commission welcomes your inquiries.

## THE CHARTER COMMISSION — ITS CREATION, ORGANIZATION AND WORK

The Johnson County Charter Commission was created by a 1975 Act of the Kansas Legislature. Passage of that Act, with the support of all but one of the legislators representing Johnson County, was the culmination of several developments at the State level and within Johnson County. Most notable of these were legislative enactment of two important home rule measures applicable to county government, the rapidly changing environment of Johnson County, and the desire of some citizens and groups of citizens in Johnson County to examine and, perhaps, recommend changes in the organization of their County's government.

The 1974 Session of the Kansas Legislature enacted into law two important county home rule measures. A county home rule act offered substantially greater functional authority and flexibility. Within stated limits, counties were permitted to respond to local needs and service requests without first seeking specific State statutory authority to act. Paralleling this important act was the passage of a major reorganization act permitting counties, and other units of local government, to alter the form of their administrative organization.

These two enactments of the Legislature gave official State sanction to a new era of county govern-

ment. Since the beginning of Statehood, Kansas counties have been viewed primarily as administrative subdivisions of the State, existing for the purpose of administering programs of statewide interest at the local level. This view has persisted despite evidence that counties, particularly urban counties, have been pressed with demands for municipal type services and, in some instances, have been granted authority by the State to provide such services. Few governmental service demands correspond to local government boundaries. Yet authority for counties to respond to such demands had often been permitted by the State only upon specific local request, and, at times reluctantly or in a manner that permitted little local discretion. Within limits prescribed by these two Legislative acts, counties now have authority to act at the initiative of the Board of County Commissioners in a manner commensurate with the special and unique needs prompting local action. County government as a viable unit of local government was beginning to come of age.

In addition to statewide interest in county government evidenced by passage of these two acts, there was growing interest in Johnson County concerning the role and organization of county government. Part of this interest was prompted by the phenomenal changes in the environment of Johnson County and the increasing service demands confronting county government. The primary change was one of growth. Indicative of this growth was the rapid increase in population and expenditures of the County. From a population of approximately 63,000 persons in 1950, County population had increased to more than 186,000 in 1970; by 1975 the County numbered more than 240,000 residents.

Rapidly increasing population was accompanied by growth in the number and level of services provided by the County. New or expanded services meant new elements of administration, often superimposed upon a system of administration initially designed for an era long past. In the ten year period from 1966 to 1976, budgeted County government expenditures increased from \$6.2 million to \$20.5 million. This rapid growth pattern emphasized the concern of some citizens that there be an examination of the structure of county government. The question was how best to initiate and conduct such examination.

The vehicle for citizen analysis of Johnson County government was provided by the Kansas Legislature in 1975. Responding to interest expressed by citizens, County officials and the media, and with the initiative and consent of the Johnson County Legislative Delegation, the Kansas Legislature enacted into law Senate Bill 451, establishing the Johnson County Charter Commission.

The Act provided for a 23 member Charter Commission of Johnson County citizens. Seventeen members were to be appointed by the 17 Legislators representing the County; each of the County Commissioners was to appoint one member; each of the two County Central Political Committees was to appoint one member; and the Johnson County Council of Mayors was to appoint one member. The Charter Commission was empowered to study County government administration and to recommend changes in that administration. Such changes were to be incorporated into a Charter for Johnson County, to be submitted to the County Commission, and by the County Commission to the electorate of the County for approval or disapproval.

Following the appointment of its members, the Charter Commission first met and organized on May 28, 1975. Officers were elected and staff was employed. Required by law to be funded by the County Commission, the Charter Commission presented a budget for an 18 month period in the amount of \$75,374.71. Although substantive and procedural committees of the Commission were appointed, the Charter Commission determined to involve all members in as much of the Commission's work as practicable.

The early work of the Charter Commission was concentrated in three areas: [1] collecting and analyzing county charters from the 63 other charter counties in the United States; [2] examining the institutions of Johnson County Government and talking with personnel of such institutions; and, [3] making an early determination whether or not there was a need for change in county administration and, if so, the general parameters of that change.

While Senate Bill 451 empowered the Charter Commission to recommend changes in several specific areas, it also required all recommended changes to be consistent with the Kansas Constitution and Kansas law. Given the myriad of provisions of Kansas law regarding Kansas county government, the Charter Commission was confronted with an important decision. If there were interest in a change that conflicted with Kansas law, should the Commission request from the Kansas Legislature an exemption for Johnson County, permitting the change to be incorporated into the Charter? The response to this question was that it would proceed to incorporate changes based on Commission consensus of what was needed, but that any requested changes in Kansas law would be kept to a minimum.

In accordance with Senate Bill 451, the Charter Commission presented a Preliminary Charter to the County Commission on November 26, 1975. That charter included several provisions necessitating changes in Kansas law if they were to be retained in the final draft of the Charter. Such changes were presented to the Johnson County Legislative Delegation and were introduced in the 1976 Session of the Legislature. The Legislature enacted all requested changes into law except one required to permit the County Commission Chairman to be elected at large, as provided in the Preliminary Charter. Provisions for selection of the Commission Chairman were subsequently altered to bring the Charter into conformity with Kansas law.

Throughout the course of its work and deliberation, the Charter Commission met 50 times prior to presentation of the final draft accompanying this Report. In addition, committees of the Commission met more than 50 times and thousands of hours of study and analysis were undertaken by Commission members. Eleven of the Commission's meetings were conducted as public hearings at which any citizen of the County was offered an opportunity to express his views. Numerous presentations were made by Commission members before groups in the County and considerable information was disseminated to County residents by the Commission.

Permeating all Charter Commission analysis has been a tacit consensus that change for the sake of change has little merit. In those instances in which the final draft recommends major change, such decision has been based upon extensive study and deliberation. Important changes are recommended but the

administrative organization proposed bears a striking similarity to the organization that now exists. This similarity will be evident in the following information regarding the decisions of the Commission and the contents of the proposed Charter.

#### CHARTER CONTENTS — DESCRIPTION AND COMMENTARY

In the following commentary on the major features of the proposed Charter reference is made to the consensus thinking that resulted in its adoption. This proposed Charter shares a characteristic of most if not all basic documents of governments — it is a composite document. Its contents reflect the reasoned views of Charter Commission members whose views on what roles government should assume and how institutions of government should be organized vary significantly. The Charter Commission did not officially adopt a design of consensus nor did members systematically list the parameters of change in any such terms. Yet such considerations were implicit in all the Commission's deliberations. It is hoped that by explaining the major provisions of the Charter in terms of the consensus thinking that led to their adoption, the Commission can define and explain the Charter's contents. Emphasis is directed to the concerns of efficiency, flexibility and accountability, three of the guidelines most used by the Commission in the course of its deliberations.

**COMPOSITION AND ROLE OF THE COUNTY COMMISSION** — The Charter provides for a seven member County Commission with one Commissioner elected from a like number of Commission districts. District lines for the initial Commissioner elections held in April, 1977, are provided in Article VII; subsequent district lines will be determined by the Commission. Commission members serve four-year overlapping terms of office. The first County Commission operative upon the effective date of the Charter, July 1, 1977, will consist of three carryover Commissioners from the pre-Charter government and the four new Commissioners elected in April, 1977. The Commission will elect a Chairman from its own membership for a two-year term, and its Vice-Chairman for a one-year term. The Charter provides for initial Commissioner salaries of \$7,500 a year plus an additional \$2,500 a year for the Chairman. All Commissioner elections will be on a partisan basis.

Though not specifically stated in the Charter, there are two important departures from the present composition and role of the County Commissioner. First, the Commission is viewed as a legislative body with the primary concern of determining policy for the County government. Presently the Commission serves in both a legislative capacity (policy determination) and an administrative capacity (policy execution). With the advent of county home rule, county commissioners have new discretionary authority. As legislative authority is enhanced the question of whether the Commission should serve as the legislative body and administrative body assumes new perspectives. The reasoning of the Commission in proposing separation of the legislative and administrative roles is that the process of government is best served when the determination of policy resides in a body directly accountable to the electorate and the execution of policy is placed in the hands of an administrator trained and educated in the techniques of administration. In addition, the concept of separation

of powers, long a revered institution in our society, lends an element of check and balance to the process of government which, in turn, adds a degree of mutual accountability to government administration. There is always the potential for a body that both determines and executes policy to blend the two in such a manner that neither is subject to the checks and balances that occur when each is handled by different bodies or different individuals. Members of a legislative body are, or should be, elected to office on the basis of their views regarding major policy issues; such persons do not always bring to their office a great degree of administrative expertise. The Charter views the Commission as the institution that determines the major policies of government but assigns them to an administrator for faithful execution.

The second major departure from the situation that now exists is that the County Commission is viewed as a part-time body. No reference is made in the Charter to the amount of time each Commissioner is expected to provide for County affairs nor to the number of times the County Commission will meet in session. Viewed primarily as a legislative body, however, the Charter Commission found little need for a full-time County Commission. As is the case with every other legislative body in the State of Kansas, at the State and local level, part time service should be sufficient for performance of the legislative function. The provided salary levels of Commissioners reflect this determination of the Charter Commission.

A Task Force of the Charter Commission observed the activities of the present County Commission and reviewed statutory duties of its members. It concluded that much of the Commissioners' time was spent in administrative detail that need not be performed by such officials. In general, the Task Force concluded that the weaknesses and faults observed were not in the persons (Commissioners) involved, but the system and framework of government in which they operated. The present Commissioners have served well but they could operate more effectively if their attention were directed to major policy determinations of the County and to substantially fewer administrative duties, as proposed in the Charter.

In response to the question of accountability, it should be noted that the Commission will continue to be responsible for the conduct of administration under Charter government. That responsibility, however, will be the Commission's authority to hire and dismiss the appointed Administrator and to hold him responsible for utilizing the administrative training and experience he brings to the office in the effective administration of the County's affairs.

The most obvious change provided by the Charter is the number of County Commissioners. Much of the discussion of the Charter Commission centered around the question of representation. The consensus was that a three member Commission presents potential problems when one or more members are unable to fulfill their responsibilities and offers too few representatives for a County in excess of 240,000 persons. To insure more adequate representation, the Charter provides for a seven member Commission.

**THE APPOINTED ADMINISTRATOR**—The Charter provides for the appointment of a County Administrator by the County Commission, and for dismissal by the Commission. Appointment is required to be on the basis of education, experience in public administration and executive qualifications, as required by a

job description prepared by the Commission. The Administrator is to be the chief administrative officer of the County, responsible to the Commission for the proper administration of all County affairs placed under his jurisdiction. The appointed Administrator will prepare and administer the County budget and capital program, through adoption of the budget and capital program will remain the responsibility of the Commission. Commission members are restricted from directly interfering with the conduct of any department or part thereof of the administration.

Students of public administration have long debated the question of whether government administration is an art or a science. The obvious answer is that it is both. That it is an art is obvious; that it is a science is a fairly recent acknowledgement. With the complexity of government and its processes of budgeting, personnel, engineering, data processing, etc., it has become increasingly important that there be a trained competent administration at the apex of the administrative hierarchy. Trained and experienced administrators must be prepared to not only deal with the intricacies of complex administration but also be able to communicate with other governmental officials trained in specific areas of government administration.

The Charter proposal for a trained Administrator, responsible to the Commission, retains the ultimate accountability in an elected body but maximizes the potential for the introduction of efficiency and effectiveness in all the County's areas of administration.

The Charter Commission deliberated at length regarding the "strength" of the proposed Administrator. A consensus developed that the position should be of sufficient strength to insure the advantages of professional administration and maximum use of the administrative talents the Administrator brings to his position. Yet this should be tempered by provisions such as requiring that the authority to appoint and dismiss department directors by subject to County Commission approval and that the Administrator be subject to dismissal by the Commission at any time. The Administrator may suggest reorganization of the County administration, but only the Commission may implement such change.

#### **DEPARTMENTALIZATION OF COUNTY ACTIVITIES AND PROGRAMS**

—The Charter provides that the activities of the County shall be distributed among such initial departments and divisions thereof as are established by the Charter or as may be established by reorganization of the County administration by the County Commission. The Administrator is empowered to suggest administrative changes, subject to approval of the Commission. The director of each department will be the principal officer of the department and responsible for all its operations. Appointment and dismissal of non-elected department directors by the Administrator is subject to confirmation by the Commission. One person may head one or more departments and the Administrator may serve as a department director. Any County elected officer, except a member of the Commission, may serve as director of a department. The elected County offices (Treasurer and Sheriff) may be separate departments or divisions within departments. Details of the County administration are to be included in an Administrative Code prepared by the Administrator and subject to approval by the County Commission.

Article VII of the Charter provides for seven departments of the County administration. These are re-

ferred to as initial departments and the number and nature of departments may be altered at any time by the County Commission.

The extent to which the Charter should provide for specific departments and if so, which departments, was a major discussion topic of the Charter Commission. There was considerable sentiment for a required departmentalization within the County administration and general agreement as to the major service areas of these departments. The resolution of varying views regarding inclusion of specifics of departmentalization was that the Transition Article of the Charter should provide for the initial departments of the County but that the County Commission be given authority to create, abolish or merge departments of the administration at any time.

Most of the present functional areas of Johnson County government are placed within one of the initial County departments, though in some instances, placement is left to the discretion of the Commission upon the advice of the Administrator. The only new County function provided in the Charter appears as an initial department — the Department of Planning and Development. Provisions for this Department reflect the view of many Charter Commission members that planning has been a neglected area in Johnson County government and that there is a definite need for an institutionalized planning process.

While the Charter makes clear the importance attached to a functional rearrangement of the County's activities through departmentalization, it also provides for substantial flexibility. In addition to permitting change in departments at any time, the Charter includes few details of specific organization. Details of the internal organization of departments are to be provided in an Administrative Code. This permits change in internal organization at any time by action of the Commission. Were details provided in the Charter, change would be possible only through Charter amendment.

A frequent concept of departmentalization as discussed by the Charter Commission is that there are opportunities for greater efficiency and effectiveness through the grouping of functions and like services into a departmental structure. This will permit a structured hierarchy, an effective assignment of responsibilities, and a chain of administrative command consistent throughout the County administration.

The question of where to place the several independent or quasi-independent boards and commissions operative in the County, such as the Parks and Recreation and Library Boards, was discussed at length by the Charter Commission. Testimony presented to the Commission, confirming opinions held by most Commission members, suggested that most of these boards and commissions are providing valuable services in the County and are performing well. The Commission was also aware that many of these boards and commissions were created by Kansas law and the details of their organization remain a matter of State law. The decision of the Charter Commission was to not address the organization of these institutions but to include them in the proposed initial Department of Human Resources which will provide a coordinating role only. Grouping them under the coordinating umbrella of a specific department should encourage communication and cooperation among these boards and commissions.

**ELECTED COUNTY OFFICERS** — The Charter provides

for continuation of the elective offices of County Treasurer and County Sheriff. It also provides for termination of the elective offices of County Clerk and County Register of Deeds upon expiration of the terms to which such persons were elected in the 1976 general election, or at the time of any vacancy in each such office prior to the expiration of such terms. Upon termination, the functions of each office are to be consolidated into a department or departments of the County administration as determined by the County Commission. The Charter also provides that any elected County office may be a department in and of itself or a division of a department. When an elected office exists as a division within a department, the director of that department shall be responsible for liaison among the elected office and other entities in the department. An elected County officer may serve as director of a department.

Whether to retain the four County offices as elective was a matter of considerable Commission discussion. Elimination of any or all of the offices by resolution of the County Commission, subject to a referendum of the electors, was permitted by the Kansas Legislature in 1974. The Charter Commission was authorized to exercise similar authority, with the Charter adoption referendum constituting the question required to be submitted to the electorate when similar action is initiated by Resolution of the County Commission.

Much of the Charter Commission's discussion of these offices dealt with the duties and functions each performs. The consensus was that the Clerk and Register of Deeds perform services primarily ministerial in nature. The services provided and the manner in which they are handled are specifically provided by State law. The Sheriff and Treasurer also perform services specifically provided for by State law, but the Charter Commission found that they also have some major areas of discretionary authority in either what services are provided, how they are provided, or both. Certain services provided by the Sheriff and Treasurer, such as law enforcement and the responsibility for handling County funds, were found to be areas in which there perhaps should be direct accountability to the electorate. In the case of the Clerk and Register of Deeds it was determined that accountability essential to the type of services they perform could be better provided by having such functions made accountable to a department director and/or the Administrator. Accountability is important; the importance of having complex governmental services under the direction of competent trained persons is also important. There is no question as to the competence of the present elected officials. But within the context of the proposed administration, and with consideration of accountability and required expertise, the decision was made regarding elected offices. The Charter Commission also emphasizes that to suggest appointed officials are not accountable is to overlook the fact that continuation of their employment is determined by how effectively they administer their respective duties and responsibilities.

With the decision to retain two elective offices, the question then became one of how to incorporate elective offices into the proposed County administrative organization. The several alternatives for location of elected offices and officers have been previously noted. They offer protection of the integrity of the elected offices and provide that each elected officer will have the ultimate choice of the administrative location of his or her office. It is assumed by the Charter Commission that such location decisions will

be determined through the cooperative consideration of the elected officers, the County Commission and the Administrator.

**OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN COUNTY GOVERNMENT**—The Charter provides for citizen involvement in their County government in several important ways. A detailed process of initiative and referendum is provided in Article V of the Charter. This permits citizens to petition the County Commission for passage or repeal of a resolution. Though there are several important restrictions to the use of this authority, it provides citizens a direct means of urging a recalcitrant County Commission to act, provided there is sufficient citizen support for such action. A petition for initiative or referendum requires signatures of at least eight percent of the total number of County electors who voted in the last preceding November general election for the office of Governor. This signature requirement is great enough to prohibit frivolous use of the authority yet one attainable if there is considerable citizen support for passage or repeal of a resolution. There is now no general provision for use of the initiative and referendum in County government. The introduction of such authority in the Charter provides citizens a new source of access in influencing the conduct of County government.

The Charter also provides citizens two means of changing their own form of government. One is the authority of citizens to initiate amendments to the Charter, requiring a 10% petition. The greater petition requirement for Charter amendments reflects the Charter Commission's view that changes in the basic document of a government should require greater citizen support for initiation than the initiation of Commission resolutions.

The second means of altering the form of government permitted citizens is the provision for periodic Charter Review Commissions with membership consisting of citizens of the County. The Charter requires such a Commission to be formed five years after the effective date of the Charter and at least once every ten years thereafter. Each Charter Review Commission may suggest changes in the administration of the County government and propose amendments to the Charter. The County Commission is required to consider all suggested changes in the County administration and to submit all proposed Charter amendments to an electorate for a referendum.

**ZERO-BASE BUDGETING AND "SUNSET LAW" PROVISIONS**—In an effort to insure continuous evaluation of the agencies of government and to emphasize an important element of budgetary preparation, the Charter provides for "Sunset Law" and Zero-Base Budgeting techniques. The Charter requires the County Commission to periodically conduct a systematic program of review and evaluation of all County government programs and activities, in an effort to determine whether any County program or activity has outlived its usefulness or failed to live up to its anticipated accomplishments. The Charter also provides that the Administrative Code shall provide a comprehensive budget procedure incorporating the principles of zero-base budgeting. This will require the Administrator to present agency budgets based not only on incremental increases over previous budgetary levels but also in terms of past, present and future objectives of each funded program or activity. Used as designed, these should be effective tools for

both the Administrator and Commission to eliminate programs that are not producing expected benefits and to more effectively allocate the available resources of County government.

#### CONCLUSION

The Charter Commission can only recommend and explain. Whether or not Johnson County operates under its present form of government or under the form proposed by this Charter is a decision to be made by the voters of the County. The Charter Commission offers this alternative with the hope that each voter will consider it on the basis of its merit. It is not a panacea to all that ails government; it is a plan for what the Charter Commission considers more responsive and responsible County government. It proposes retaining the best of what now exists, complemented by reasoned changes. It is neither a reiteration of text book administration nor a carbon copy of various model charters. It is a composite of the best principles of administration tempered by political realities in Johnson County, as the latter have been assessed and interpreted by 23 citizens of this County.

#### VOTE ON ADOPTION OF THE CHARTER

At the meeting of the Charter Commission held on August 30, 1976, the following motion was made and approved by the Commission. The vote of each member is indicated.\*

MOVED, THAT THE PROPOSED CHARTER BE ADOPTED BY THE CHARTER COMMISSION AND SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS ON SEPTEMBER 1, 1976.

#### VOTING FOR ADOPTION

Richard L. Bond  
Donald G. Brackhahn  
Barbara Brown  
Jack Chalender  
Kathie Champlin  
William A. Cleaver  
Milton E. Erickson  
Patricia Heaven  
Walter Jacobs  
Vrem D. Levens  
James K. Logan  
Barbara Neff  
Orin F. Nolting  
Clarence L. Roeder  
Lloyd Sleezer  
Wilson E. Speer  
W. B. Tschudy  
C. Y. Thomas

#### VOTING AGAINST ADOPTION

John L. Hodges  
Gunnard A. Nelson, Jr.  
J. S. Skaptason

\* Commission member Mildred Gersh did not vote due to illness. Commission member Robert C. Bacon resigned from the Commission on June 7, 1976.

### MINORITY REPORT

The following Minority Report was submitted to the Charter Commission by Commission Member John Hodges. It is included as a part of the Report to the Board of County Commissioners.

The proposed Charter for Johnson County should be rejected by the voters for the following reasons.

1. There was little effort made to identify and keep the many good aspects of present governmental structure.
2. Charter Commission members failed to recognize the historical and philosophical reasons for elective positions being strategically placed in present county government.
3. The new Charter will cost more, increase the size of government, and remove direct control of county government from the people.
4. There were few, if any, original ideas incorporated into the Charter. The final draft is almost entirely a duplicate of previous charters compiled by and recommended by the National Municipal League.
5. The Charter is designed to promote the elimination of elected officials and place county government in the hands of appointed people generally classified as "professionals".
6. The role of county government was not adequately analyzed to find areas which might be handled better by private individuals or organizations.
7. The Charter Commission overlooked the fact that few individuals in the county had expressed a desire for a substantial change in county government, and that most of those promoting the Charter were already big-government oriented.

John Hodges  
Charter Commission Member

### MEMBERSHIP OF THE JOHNSON COUNTY CHARTER COMMISSION

MEMBER	RESIDENCE	APPOINTING AUTHORITY
Robert C. Bacon	Overland Park	Rep. Arthur Douville
Richard L. Bond	Overland Park	Sen. Paul Burke
Donald C. Brackhahn	Merrim	Rep. Victor Kearns
Barbara Brown	Prairie Village	Sen. Norman Gaar
Jack Chalender	Overland Park	Rep. Joseph Hoagland
Kathie Champlin	Overland Park	Sen. Jan Meyers
William A. Cleaver	Overland Park	Democrat Central Comm.
Milton E. Erickson	Overland Park	Republican Central Comm.
Mildred Gersh	Leawood	Rep. Ole Nesmith
Patricia Heaven	Lake Quivira	Comm. John Franke
John L. Hodges	Gardner	Sen. Wayne Zimmerman
Walter Jacobs	Mission	Rep. Rex Hoy
Vern D. Levens	Prairie Village	Rep. Robert McCrum
James K. Logan	Olathe	Rep. Francis Smith
Barbara Nett	Overland Park	Rep. James Yonally
Gunnard A. Nelson, Jr.	Lenexa	Rep. Gus Bogina
Orn F. Nolting	Prairie Village	Rep. Eugene Gastl
Clarence L. Roeder	Prairie Village	Comm. William Springier
J. S. Skaptason	Leawood	Comm. Robert Davis
Lloyd Sletzer	Olathe	Rep. Edgar Moore
Wilson E. Speer	Overland Park	Rep. Wendall Lady
W. B. Tschudy	Olathe	Council of Mayors
C. Y. Thomas	Mission Hills	Rep. Earl Ward

### SUMMARY OF MAJOR PROVISIONS OF THE PROPOSED JOHNSON COUNTY CHARTER

#### EFFECTIVE DATE OF CHARTER

#### AND NOVEMBER BALLOT QUESTION

- ☆ Effective Date of Charter—July 1, 1977
- ☆ Details of Transition Spelled Out in Article VII of Charter
- ☆ Transition Committee Created to Plan Transition Between April Elections and Charter Effective Date—Consists of 3 Carryover and 4 Newly Elected Commissioners.
- ☆ Question on Charter Approval, November 1976 Election—“Shall the proposed Charter for Johnson County, Kansas, be adopted as submitted on September 1, 1976 by the Johnson County Charter Commission to the Board of County Commissioners of Johnson County, Kansas?”

#### COUNTY COMMISSION

- ☆ Commission Viewed as a Legislative Body, Reflecting a Separation of Legislative (Policy-Making) and Administrative (Policy-Execution) Authority.
- ☆ Seven Members, Elected from Districts, 4 Year Overlapping Terms, Partisan Elections.
- ☆ First Charter Government Commission Takes Office July 1, 1977, Following Election of 4 Additional Members in April, 1977 Elections (Same Time as JuCo Trustee Elections).
- ☆ District Lines for First Commissioner Elections Stated in Charter. Subsequent Redistricting by County Commission.
- ☆ Commission Chairman Elected by Commission from Membership for 2 Year Term in January of Odd-Numbered Years. Vice-Chairman Elected by Commission for 1 Year Term.
- ☆ Initial Compensation—\$7,500 per Annum; Chairman \$2,500 per Annum Additional. Salary Suggests a Part Time Commission, But Frequency of Meetings and Time Spent in Performing Duties Left to Determination of Commission and Commissioners.
- ☆ Commission Adopts a Legislative Code Providing for Rules of Procedures, Meetings, Etc.

#### COUNTY ADMINISTRATOR

- ☆ Administrator Appointed by Commission; Subject to Dismissal by Commission.
- ☆ Administrator Serves as Chief Administrative Officer of the County Government.
- ☆ Administrator Appointed on Basis of Education, Experience in Public Administration and Executive Qualifications, as Required by a Commission-Prepared Job Description.
- ☆ Administrator Appoints, Suspends and Dismisses Department Directors and Division Heads (Unless They are Elected Officials) and Dismissal of Department Directors Subject to Commission Confirmation.
- ☆ Administrator Prepares County Budget for Submission to Commission.

#### ADMINISTRATIVE DEPARTMENTS AND ORGANIZATION

- ☆ All Activities and Agencies of the County To Be Within Departments and Divisions Thereof. Elected Offices May Be Separate Departments or Divisions of Departments.
- ☆ Each Department Headed by a Director. One Person May Head Two or More Departments. Administrator May Serve as Department Director. Elected Official May Serve as Department Director.
- ☆ Initial Departments Provided in Transition Article of Charter, as Follows:  
Department of Public Safety  
Department of Public Works and Transportation  
Department of Central Services  
Department of Finance and Records  
Department of Human Resources  
Department of Planning and Development  
Department of County Counselor
- ☆ Commission May Make Organizational Changes on its Own Initiative or Upon Suggestion of Administrator. Changes May Include Creation, Abolition or Merger of Departments. Proper Notice and Publication Required Before Major Changes are Made.

**ADMINISTRATIVE DEPARTMENTS  
AND ORGANIZATION [Continued]**

- ☆ Administrator to Prepare an Administrative Code Providing Details of Administrative Organization, Personnel Rules, Budget Procedures, Etc.; County Commission Approves Code.
- ☆ All Offices, Departments, Etc. of County Government Required to Use Central Services of the County Government.

**ELECTED OFFICIALS**

- ☆ Offices of Sheriff and Treasurer Retained as Elected Officials. Offices of Clerk and Register of Deeds to Terminate as of End of Next Terms (January, 1981).
- ☆ Offices of Elected Officials To Be Separate Departments or Divisions Within Departments, as Determined by Commission. Transition Article Views Them as Divisions.
- ☆ Department Directors Responsible for Liaison Among Elected Officers and Personnel of Departments Responsible for Related Functions.

**INITIATIVE, REFERENDUM AND RECALL**

- ☆ Electors of County May Propose To The Commission Passage Or Repeal of Resolutions. Subject to Referendum if Commission Fails to Act. Petition Requirement — 8% of County Electors Who Last Voted for Office of Governor. Recall of Elected Officials as Provided by State Law.

**"SUNSET LAW"  
AND ZERO BASE BUDGETING**

- ☆ Commission to Periodically Review and Evaluate All County and County Related Programs and Activities to Determine if They Should Be Continued, Altered or Terminated.
- ☆ Zero Base Budgeting Techniques To Be Used In Preparation And Defense of Annual Budget.

**CHARTER REVIEW COMMISSION;**

**CHARTER AMENDMENT;  
CODE OF ETHICS**

- ☆ Charter Review Commission Created After 5 Years And At Least Every 10 Years Thereafter.
- ☆ Charter Amendment at Initiative of Commission or Elector Petition, and Referendum.
- ☆ Code of Ethics to be Adopted by Commission For All County Officials and Employees.



THE CITY OF WICHITA

OFFICE OF Budget and Management DATE August 27, 1980

TO Russell L. Brenner, Director of Administration

FROM Glen E. Dockery, Research and Budget Officer

SUBJECT Park City and Bel Aire  
Incorporation

This memorandum is in response to Mr. John Dekker's memo to you dated August 14, 1980, regarding the captioned subject. The Budget Office staff obtained copies of the 1980 budgets for Park City and Bel Aire Improvement Districts to use in this comparison of the expenditures of these two improvement districts.

The 1980 budgets (using the 1979 mill levy rates) have been used instead of the 1981 budgets (using the 1980 mill levy rates) as the final assessed valuations have not been determined, as of now, by Sedgwick County Officials.

Property taxpayers in the Park City Improvement District are in two different Unified School Districts (USD) which means that there are two different total mill levies, as follows:

PARK CITY IMPROVEMENT DISTRICT

<u>Taxing Jurisdiction</u>	<u>USD 259</u>	<u>USD 262</u>
State	1.500 mills	1.500 mills
Sedgwick County	17.223	17.223
Unified School District	44.939	46.150
Disorganized School District	.374	--
County Fire District	8.382	8.382
Park City Improvement	10.719	10.719
South Central Kansas Library System	<u>.489</u>	<u>.489</u>
Total	83.626 mills	84.463 mills

Thus, the property taxpayers in USD 262 (Valley Center) have a total mill levy rate which is .837 mills higher than the Park City residents who live in the USD 259 (Wichita) area.

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SEP 4 1980

METROPOLITAN PLANNING

ROUTE

Page 2 - Russell L. Brenner  
August 27, 1980

Property taxpayers in the Bel Aire Improvement District are in two different townships, i.e., Payne Township and Kechi Township. This means that there are two different total mill levies for the Bel Aire citizens, as follows:

BEL AIRE IMPROVEMENT DISTRICT

<u>Taxing Jurisdiction</u>	<u>Payne Township</u>	<u>Kechi Township</u>
State	1.500 mills	1.500 mills
Sedgwick County	17.223	17.223
Payne Township	5.043	--
USD 259	44.939	44.939
Disorganized School District	.374	.374
County Fire District	8.382	8.382
Bel Aire Improvement	4.775	4.775
South Central Kansas Library System	<u>.489</u>	<u>.489</u>
Total	82.725 mills	77.682 mills

Thus, the property taxpayers of Bel Aire who live in Payne Township have a total mill levy rate which is 5.043 mills higher than the Bel Aire residents who live in the Kechi Township.

A comparison of the Bel Aire and Park City Improvement Districts and the City of Wichita's 1979 total mill levies are as follows:

<u>Location</u>	<u>Total 1979 Mill Levy for 1980 Budget</u>
City of Wichita (most sections)	104.360 mills
Park City (USD 262)	84.463
Park City (USD 259)	83.626
Bel Aire (Payne Township)	82.725
Bel Aire (Kechi Township)	77.682

A review of the 1980 adopted budget for the Park City Improvement District indicates the following expenditures by fund:

<u>FUND</u>	<u>1980 BUDGETED AMOUNT</u>
<u>General Fund</u>	
General Government	
Personal Services	\$ 6,000
Contractual Services	20,000
Commodities	5,000
Capital Outlay	7,000
	<u>\$ 38,000</u>
Park & Swimming Pool	
Commodities	\$ 6,000
Total General Fund	\$ 44,000
Police Protection Fund	\$ 6,500
Employee Benefit Fund	\$ 1,500
Debt Service Fund	\$113,168
Water Utility Fund	\$180,000
Sewer Utility Fund	\$ 70,000
TOTAL BUDGET FOR PARK CITY	<u>\$415,168</u>

A review of the 1980 adopted budget for the Bel Aire Improvement District indicates the following expenditures by fund:

<u>FUND</u>	<u>1980 BUDGETED AMOUNT</u>
<u>General Fund</u>	
Salaries	\$ 7,777
Director's Salary	300
Payroll Taxes	800
Real Estate Taxes	200
Office Rent	900
Office Supplies	1,200
Accounting Fee	1,500
Legal Fee	1,000
Engineer Fee	1,000
Transfer to Water Fund	10,000
Street Lighting	4,000
Maintenance	1,000
	<u>\$ 29,677</u>
Water Fund	\$115,000
Bond & Interest Fund	\$140,895
TOTAL BUDGET FOR BEL AIRE	<u>\$285,572</u>

Basically, Park City and Bel Aire are totally dependent upon the City of Wichita for such functions as parks and other recreational/cultural type activities. Park City does have an expenditure of \$6,000 for its park and swimming pool function.

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August 27, 1980

While the immediate purpose of this memorandum is not to reflect what the total mill levy would be if Bel Aire and/or Park City were annexed to the City, we have attached to this memorandum a comparison of 1979 taxes paid by residents of the City of Wichita with residents of Park City and Bel Aire.

The information provided on the attachment illustrates the mill levy that the majority of residents of the City pay (104.360 mills) compared to the mill levies paid by residents of Park City (83.626 mills and 84.463 mills) and residents of Bel Aire who pay 82.725 mills or 77.682 mills depending in what township they are located (see page 2 of this memo).

We have also provided information on the attachment illustrating the mill levy levied by the City of Wichita for individual divisions and departments of the City compared with what the tax requirement would be for those functions if in the event Park City and/or Bel Aire were annexed.

As I indicated above, while the issue at this point is not whether or not Bel Aire or Park City will be annexed to the City, if in the event they were at some time in the future to become a part of the City, the following mill levies would no longer be applicable to these areas.

<u>Taxing Jurisdiction</u>	<u>Mill Levy Rate</u>
County Fire District	8.382 mills
Park City Improvement	10.719
South Central Kansas Library System	.489
Bel Aire Improvement	4.775
Payne Township (Bel Aire)	5.043

In addition to paying the City of Wichita's mill levy in lieu of the mill levies noted above, the residents of Park City and Bel Aire, if annexed into the City, would pay the Wichita State University mill levy of 1.5 mills.

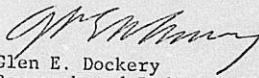
Two additional issues should be raised concerning this assignment; (1) facilities of the City of Wichita that are used by residents of Bel Aire and Park City and (2) services residents of Bel Aire and Park City receive from the County that residents within the City of Wichita in fact help finance.

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August 27, 1980

Numerous facilities and services are provided by residents of the City of Wichita, financed by the City's local property tax, that are in fact utilized by residents of surrounding areas. The Century II facilities, Library, parks, the Art Museum, etc. are examples of facilities that are paid for by residents of the City without a direct mill levy to other residents of the County.

City-County operations such as Emergency Communications, Health, Planning, and the Flood Control Departments are County-wide functions and are supported by from 85 to 90% Wichita resident taxation.

Other functions performed by the County that are not City-County operations such as the general tax levy, civil preparedness, mental health, parks, recreation and the zoo, etc. are paid for by residents of the City of Wichita in a proportionate assessment ratio, i. e., Wichita residents pay approximately 70 to 72% of the County's mill levy. The Sheriff's Department as an example provides law enforcement to residents of Bel Aire, while residents in the City of Wichita pay 70% of the tax support for the Sheriff's operation.

  
Glen E. Dockery  
Research and Budget Officer

GED:ce  
Attachment

cc: John Dekker, Director of Law  
Robert Lakin, Director of Planning  
Robert Young, Senior Planner

COMPARISON OF 1979 TAXES OF WICHITA WITH PARK CITY AND BEL AIRE (TOTAL MILL LEVY)

DIVISION/DEPARTMENT	WICHITA 1979 MILL LEVY	PROPERTY TAX REQUIREMENT FOR PARK CITY IF ANNEXED (1 MILL = \$6,718)	PARK CITY IMPROVEMENT DISTRICT PROPERTY TAX FOR 1980 BUDGET	PROPERTY TAX REQUIREMENT FOR BEL AIRE IF ANNEXED (1 MILL = \$6,077)	BEL AIRE IMPROVEMENT DISTRICT PROPERTY TAX FOR 1980 BUDGET
<b>General Fund</b>			\$ 37,972		\$ 29,018
Fire	2.46	\$ 16,526	55,660	\$ 14,949	50,482
Police	3.11	20,893	3,559	18,899	
Non-Departmental	1.15	7,726		6,989	
General Government	.72	4,837		4,375	
Community Facilities	.85	5,710		5,165	
Housing & Economic Development	.49	3,292		2,978	
Administration	.45	3,023		2,735	
Emergency Communications	.26	1,747		1,580	
<b>Public Works</b>					
Administration	.04	269		243	
Street Lighting	.53	3,561		3,221	
<b>Maintenance</b>					
Streets	.10	672		608	
CMF	.05	336		304	
Street Cleaning	.13	873		790	
Weed Mowing	.09	605		547	
Storm Sewers	.07	470		425	
Health	.38	2,553		2,309	
Animal Care	.10	672		607	
Planning	.12	806		729	
Library	1.83	12,294		11,121	2,972
Park	3.70	24,857	3,285	22,485	
Art Museum	.48	3,225		2,917	
Forestry	1.02	6,852		6,199	
Flood Control	.38	2,553		2,309	
M.T.A.	1.03	6,920		6,259	
Employees Retirement	1.66	11,152		10,088	
Social Security	1.25	8,398	667	7,596	
Police & Fire Pension	5.30	35,605		32,208	
Workers & Unemployment	.57	3,829		3,464	
General Debt & Interest	9.77	65,635	29,806	59,372	
Public Building Commission	.44	2,956		2,674	
Noxious Weeds	.05	336		304	
Tort Liability	.19	1,276		1,155	
<b>Wichita State</b>					
University	1.500	10,077	--	9,116	--
State of Kansas	1.500	10,077	10,077	9,116	9,116
Sedgwick County	17.223	115,704	115,704	104,664	104,664
Unified School District (259-1)	45.313	304,413	304,413	275,367	275,367
<b>TOTALS</b>	<b>104.360</b>	<b>\$700,730</b>	<b>\$561,143</b>	<b>\$633,867</b>	<b>\$471,619</b>

**THE CITY OF WICHITA**

OFFICE OF CITY MANAGER

DATE August 8, 1980

TO Robert A. Lakin, Director of Planning

FROM E. H. Denton, City Manager

SUBJECT Position Paper on Annexation

In coordination with this office and the Department of Law, please prepare for my review a position paper on the merits of managed growth through orderly annexation of urbanizing areas around the City of Wichita.

It is anticipated that the paper be detailed sufficiently to answer most reasonable questions on the subject, yet concise enough to be used as a briefing paper for members of the governing body, the public and news media representatives.

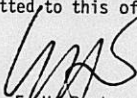
In general, these subjects, but not excluding others you deem pertinent, should be included:

- History of annexation in Kansas and Wichita
- Procedures to be followed in annexation
- Discussion of experience of center cities ringed by incorporated "bedroom cities"
- Analysis of the center city social overburden, or base tax load that supports the economic area, but which satellite cities seek to avoid by incorporation
- Comparison of three models for Wichita-Sedgwick County
  - a) Consolidated "Metro" government or variations thereof, or City-County government like Denver
  - b) Growing central city - (annexation)
  - c) Stifled central city ringed by incorporated "bedroom cities"

The report should also include:

- 1) A list of advantages and disadvantages of an aggressive annexation policy
- 2) A list of questions and answers including most of the subjects likely to be raised by Wichita citizens as well as those outside the city likely to be annexed.

Because of the timetable for Park City incorporation and Bel Aire annexation, it is requested that first a draft be submitted to this office by Monday, August 25, 1980.

  
E. H. Denton  
City Manager

EHD:mp

cc: John Dekker, Director of Law  
Russell L. Brenner, Director of Administration  
Dave Furnas, Public Affairs Director

Create a DR-24

"Managing Growth"

DR80-18

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